United Nations CEDAW/C/KOR/4

# Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
30 March 1998

Original: English

**Committee on the Elimination of Discrimination against Women**

## Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

### Fourth periodic report of States parties

## Republic of Korea*

* The present document is being issued without formal editing.

For the initial report submitted by the Government of the Republic of Korea see CEDAW/C/5/Add.35; for its consideration by the Committee, see CEDAW/C/SR.87 and CEDAW/C/SR.91, and *Official Records of the General Assembly, Forty-second Session, Supplement No. 38* (A/52/38), paras. 130-184. For the second periodic report submitted by the Government of the Republic of Korea, see CEDAW/C/13/Add.28 and Corr.1; for its consideration by the Committee, see CEDAW/C/SR.244 and *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38* (A/48/38), paras. 405-450. For the third periodic report submitted by the Government of the Republic of Korea, see CEDAW/C/KOR/3.

98-09977 (E) 120598 030698

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## Introduction

1. The Republic of Korea, being a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women, in accordance with Article 18 of said Convention, submitted to the Secretary-General of the United Nations its first and second reports in 1986 and 1989 respectively, both of which were duly reviewed by the Committee on the Elimination of Discrimination against Women in 1991 and 1993. While Korea's third report was submitted in 1994 and remains unreviewed to date, this fourth report, prepared in accordance with the Committee's general guideline, addressing issues raised during the review of the second report, and covering major initiatives taken durung the past four years to fully implement the Convention, particularly in terms of legislative and institutional measures, is herewith submitted. In the process of producing this report, a consultation body was formed comprising NGOs and 7 women's policy specialists. That body as well as 25 women's organizations shared their views. This report presents Governmental policy actions and other measures aimed at advancing women's status and gender equality in connection with the various Articles of the Convention. In doing so, it has endeavored to convey the status of Korean women as objectively as possible by delineating those areas wherein actions have thus far been insufficient and/or inadequate.

### National Objectives in Women's Policy

2. Since the submission of its third report in 1994, the Government of the Republic of Korea has taken definitive steps towards advancing the status of Korean women. It has done so by focusing its gender policies on realizing an egalitarian society wherein women are respected and can participate in all realms of national life on an equal basis with men and on utilizing their capacities to the full extent.

### National Machinery for Women

3. Subsequent to the establishment of the Ministry of Political Affairs (II) in 1988 to monitor and coordinate activities related to women's policy, the relevant machinery within the government structure has expanded considerably, and effective coordination has occurred between various responsible agencies. The function of the National Committee on Women's Policy, chaired by the Prime Minister, has also been strengthened and non-governmental representation therein has widened. In 1994, women's focal points were established in all ministries and offices to effectively pursue women's goals and objectives. In the same year, the National Assembly established the Special Committee on Women to facilitate the legislation of gender-related laws and their implementation.

Furthermore, administrative units dedicated to women's affairs were established in all self-governing bodies at the local level, thus creating a nation-wide action system dedicated to the advancement of Korean women.

## National Plan for the Advancement of Women

4. Having duly recognized the need for an overall and integrated national plan that can facilitate the implementation of existing and emerging women's policies in a systematic manner, the Government included a separate women's sector in its 7th Five-year Economic and Social Development Plan (1992-1996), as it had done in the 6th Plan. (1987-1991) The first and second Basic Plans for Working Women (1994-1997 and 1998-2001 respectively) and the Three Year Plan for Child-Care Service Expansion (1995-1997) are also under implementation. Subsequent to the Fourth World Conference on Women, the Government, in October 1995, identified Ten Policy Priorities for the Advancement of Korean Women. In adition, to facilitate an integrated and coherent implementation of women's policy, a comprehensive Five-year Basic Plan in Women's Policies (1998-2002) is currently being prepared in collaboration with all relevant ministries. Local autonomous bodies of all levels are also engaged in formulating their respective women's policy implementation plans within the overall framework of the Basic Plan, thereby developing a nation-wide, closely inter-linked infrastructure to realize national and international mandates.

## Legal Provisions for Women

5. To provide a solid foundation for the realization of substantive gender equality, many gender discriminatory elements have been removed from various existing laws, and others newly enacted. Following the 1990 amendment to the Family Law to provide a new legal framework for establishing egalitarian relationships within the family unit, the Family Registry Act, the Inheritance Tax Act and the Domestic Dispute Litigation Act, among others, were amended to render them consistent with the revised Family Law. The Punishment of Sexual Violence and Protection of Victim Act, legislated in 1993, and a new law, the Prevention of Domestic Violence and Protection of the Victim Act, also came into force in 1998. One of the more notable legislative actions taken during the report period was the 1995 passage of the Basic Law for the Advancement of Women aimed at addressing issues of gender equality, women's social participation and their welfare in a consistent and systematic manner. In tandem with these, the Nationality Act was amended in November 1997 to remove elements discriminatory to women. As a direct result of this amendment, one of Korea's two reservations on the Convention, i.e. Article 9, will soon be withdrawn, and leaving Article 16 still on reservation.

## Dissemination Activities on the Convention

6. Since its entry into the Convention and parallel to its submission of successive reports on its implementation, the Korean Government has devoted substantial efforts to informing the Korean public of its substance. In 1984, "A Comparative Analysis of the National Laws and Convention on the Elimination of All Forms of Discrimination Against Women," was undertaken and, in 1990, a booklet containing the English and Korean versions of the Convention, and the Government's first two reports to the Committee, were published and distributed nation-wide. A symposium followed in 1994 on "The United Nations Convention on the Elimination of All Forms of Discrimination Against Women and Korean Policy on Women." This was in observance of the 10th anniversary of the country's ratification of the Convention. The symposium carefully reviewed the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women in Korea in its legislative, judiciary and administrative dimensions. It also identified policy and programme issues warranting subsequent attention. In 1995, another volume of informative material was published comprising eight international conventions related to women, including the Convention on the Elimination of All Forms of Discrimination Against Women, in their original and translated versions. This was followed by the 1996 publication of annotations on the Convention and information notes on CEDAW. These materials are being utilized by public employee training institutions and various social education establishments to sensitize such personnel as public prosecutors, police officers, prison administrators and guards, and others concerned with human rights issues, with particular emphasis paid to gender equality.

## Serious Obstacles to Gender Equality

7. The most serious stumbling block to gender equality and women's participation in decision-making positions are male-centered institutional practices and decision-making structures in social, economic and political domains. Additional factors within this overall framework are: entrenched paternalistic and authoritarian male values; traditional notions of gender roles that women have internalized, thereby inhibiting their initiative; alienation from the socio-economic mainstream that has led, inter alia, to isolation from the information mainstream as well; and the underdevelopment of women's leadership capabilities and lack of opportunities to do so, which are essential if they are to assume major decision-making positions.

## Plans for the Future

8. In the advent of the year 2000, the Government of Korea will continue to implement the Beijing Declaration and the Convention on the Elimination of All Forms of Discrimination Against Women so as to break down gender discriminatory institutional mechanisms and traditional practices. Concomitantly, having been re-elected as a member of the Commission on the Status of Women in 1997, Korea willl continue to actively contribute to promoting the status and well-being of women throughout the world. Moreover, it shall maintain a close linkage with concerned organizations of the United Nations as it collaborates in the implementation of the various action agenda stemming from the 1992 United Nations Conference on Environment, the Conference on Population in 1994 and the Social Development Summit in 1995. Actions prescribed at the national level are contained in the First Five-year Basic Plan in Women's Policies (1998-2002). The Plan is discussed further in the portion of this report covering Article 3.b. The Government recognizes that, without the cooperation of and pressure from non-governmental organizations (NGOs), it cannot effectively implement its policies for women. Accordingly, it plans to strengthen cooperative ties with NGOs, especially in areas where progress has been least satisfactory so far, e.g. the placement of women in national and local decision-making positions, and to render both governmental and non-governmental efforts on behalf of women more effectively.

# ARTICLE 1

## Definition of Discrimination

9. The Equal Employment Opportunity Act, as it is currently applied, defines "discrimination" as follows.

Article 2, Clause 2 (Definition)

1) "Discrimination" refers to unfair measures on the part of the employer with regard to personnel recruitment and the establishment of working conditions on the basis of gender, pregnancy, marriage and/or familial status.
2) "Maternity benefits for working women are not regarded as discrimination in this law.
3) "Preferential treatment of specific workers by the national government, local self-governing bodies or employers for the purpose of redressing existing discriminatory conditions is not viewed as discrimination under this law.

# ARTICLE 2

## Status of Women under the Constitution

10. The Korean Constitution, in Article 11, Clause 1 stipulates, "All citizens are equal before the law. No person shall be subjected to political, economic, social or cultural discrimination based on one's sex, religious affiliation or social status". It thus lays down the fundamental principle of gender equality in all aspects of life. This principle finds explicit and concrete elaborations in the Constitution's various Articles, impacting a wide range of Korean citizens.

11. As to political participation, Articles 24 and 25 state, "All citizens shall have the right to vote under such conditions as specified by law," and "All citizens shall have the right to hold public office under such conditions as prescribed by law." These, thus, guarantee equal opportunities for women and men with respect to public life. In the economic sphere, Article 32, Clause 4 specifies that "Women's labour shall be protected through special measures and they shall not be subjected to unjust discrimination in terms of employment, wage and working condition," thus providing for the special needs of female workers and forbidding prejudicial treatment in the employment context.

12. Further, by stipulating in Article 34, Clause 3 that "The State shall endeavor to promote the welfare and rights of women," the Constitution obliges the State to promote the advancement of women's status. Regarding family life, Article 36, Clause 1 guarantees gender equality in marriage and family relationships by stipulating that "Marriage and family life shall be entered into and sustained on the basis of individual dignity and equality of the sexes, and the State shall do everything in its power to achieve that goal".

13. The Women's Development Act, the Basic Labor Act, and the Equal Employment Act concretely guarantee equal rights of women in their political, economic, social, and cultural sphere. Various redress measures were designed to prevent infringement of those rights.

## The Women's Development Act

14. In December 1995, the Republic of Korea, with a view to realizing the ideologies of gender equality and advancement of women's status in the political, socio-economic and cultural spheres of national life and to lay the foundation for women's policies, has enacted the Women's Development Act.

Introduced shortly after the Fourth World Conference on Women amid an atmosphere of heightened awareness of and interest in women's issues, this Act provides for:

1. time-bound affirmative actions to redress certain disadvantages facing Korean women (Article 6);
2. the expansion of women's opportunities for participation in policy-making and in politics (Article 15);
3. expanded opportunities for women to serve in public offices (Article 16);
4. equal employment opportunities and improved maternity protection (Articles 17 & 18);
5. the promotion of gender equality through child education at home and school and through social education (Articles 19-21);
6. the promotion of women's welfare (Article 22);
7. the expansion of child care facilities (Article 23);
8. the establishment of gender-equal family relationships (Article 24);
9. the prevention of sexual and domestic violence (Article 25);
10. an economic assessment of domestic family work (Article 26);
11. the promotion of women's international cooperation (Article 27);
12. the promotion of gender sensitivity in the mass media (Article 28), etc., and goes on to establish the responsibilities of state and local autonomous bodies vis-a-vis the above.

15. Moreover, the Act provides for the formulation of the Five-year Basic Plan in Women's Policies on an on-going basis. (Article 7)

## Status of Women under the Labour Standards Act

16. The Labour Standards Act, first enacted in 1953, revised in 1989 and again in 1997, prescribes basic labour conditions. Article 5 of this Act, stipulating that "Employers shall not subject women to discriminatory treatment, sets forth the principle of equal treatment of workers regardless of their sex and contains maternity protection provisions." These women-specific provisions echo Article 32, Clause 4 of the Constitution, which states, "Female workers shall be given special protection and shall not be subjected to unfair treatment in employment and working conditions."

17. Protective provisions for women include: prohibition of women's labour in hazardous work environments (Article 63), night work and work on public holidays (Article 68); limitation of overtime work (Article 69); prohibition of underground labour (such as coal mining) (Article 70); the provision of return-home travel grant (Article 74), as well as maternity protection regulations such as menstrual leaves (Article 71), pre and post-natal leaves (Article 72), protection of pregnant workers (Article 30, Clause 2 & Article 59, Clause 4), workbreaks for baby-nursing (Article 73).

18. Previously, the Labour Standards Act applied to a limited number of work environments. Since its revision on 29 March 1989, i) it is now applicable to all business/industrial establishments with five or more employees (certain regulations are applicable to establishments with four or less employees); ii) the penalties for non-compliance have been stiffened; iii) the employer is required to grant menstrual leaves even without his or her employees' request; and iv) to obtain over-time or night work from female employees, the employer now requires the consent of employees whereas in the past he/she needed only the permission of the Ministry of Labour.

19. To encourage its speedy implementation, the revised Labour Standards Act stipulates a fine of up to five million won (US **$3,350**) for violations of the equal treatment for equal work clause and up to 5 years imprisonment or up to 30 million won (US $20,100) fine for violations of the maternity rights protection clause.

## The Equal Employment Act (EEA)

20. This Act was introduced in 1987 to realize the principle of gender equality in employment opportunities and working conditions as stipulated in the Constitution and to protect motherhood as well as to develop women's occupational potentials and, thereby, advance their socio-economic status. With the passage of this Act, the principles of gender-equal treatment of workers and maternity protection have been codified, and it is now possible to impose sanctions against an employer for gender discrimination in the processes of recruitment and appointment.

21. While the EEA was the country's first legal instrument for enforcing equal treatment for equal work regardless of one's gender, and for the protection of working women's maternity rights, there was a need to make these provisions, as well as non-discriminatory recruitment and employment requirements explicit. The Act was therefore revised in April 1989 and again in August 1995.

The 1989 revision defined gender discrimination in employment in specific terms. Namely, women may not be unfairly treated in employment situations for reasons of sex, marital and/or familial status, while pregnancy and the principle of "equal pay for equal work" will be strictly upheld. The revision also extended maternity leave to one year and made the leave period applicable to a consecutive employment period. Further, the Act shifted the burden of proof from the employee to the employer in the event of labour disputes, as well as stiffened penalties for non-compliance as a means to ensuring the Act's implementation.

22. As for the 1995 amendment, under Article 6, an employer may not resort to such personal variables as appearance, height, weight, other physical characteristics and personal attributes irrelevant to job performance as qualification criteria in personnel recruitment. The same Article goes on to: require the employer to consult with the representative(s) of the employees, including those of women employees, in setting the "equal work" criteria (Clause 2); prohibit discrimination in the award of financial and other benefits above and beyond the regular wage or salary (Clause 3); prohibit discrimination in training opportunities, placement and promotion based on marital status, pregnancy and child delivery (Clause 7); provide for paternity leaves in cases where both of the spouses are employed (Clause 11); and require the establishment of an equal employment committee in leu of the existing Labour Dispute Arbitration Committee, thus expanding the latter's function to embrace the arbitration of the EEA related disputes. (Clause 16)

23. To strengthen the Act's power of enforcement, the revised version stipulates penalties of imprisonment up to two years or a fine of up to 10 million won (approx. US $6,700) for employers violating provisions regarding wage, resignation, retirement and dismissal (Article 23) and a fine of up to 5 million won (approx. US $3,350) for violations of recruitment, training, placement, promotion and childcare leave provisions.

## Legislation of the Family Law

24. The Family Law that had contained many gender discriminatory elements was revised in January 1990 and put in force in January 1991. Major features of the amendment include:

- an adjustment in the kinship boundary (Civil Code Article 777),
- abolition of the distinction between natural and adoptive parent-child relationships (Articles 773 & 774),
- the transition from the family head inheritance system to succession system (Article 778 and onward)

- child visitation rights by divorced parents without child custody rights (Article 837 Clause 2),
- the right to request the division of assets by either of the marital partners, such as in divorce proceedings (Article 839 Clause 2),
- recognition of the right of a full-time housewife to a portion of family assets (Article 1008 Clause 2), and
- awarding of property to special category relations (e.g. off-spring(s) outside marriage. (Article 1057, Clause 2).

The newly amended Family Law represents a radical departure from its predecessor as it places men and women on an almost equal status and provides a legal framework for evolving a family system and tradition based on a truly gender-equal relationship between marital partners. Further details in this connection are available in the third report of the Korean Government and in the portion of the present section covering Article 16. (h) of the Convention.

25. The foregoing notwithstanding, the amended version of the Family Law still contains some discriminatory elements from the point of Korean women as a whole. Accordingly, the Government has launched a special committee composed of civil law experts and responsible government officials and entrusted it with the task of reviewing the Family Law. The major outcomes of the review will likely be the abolition of the remarriage prohibition period (Civil Code Article 811) and the "family head" system.

26. The prohibition of marriage between a man and a woman originating from an identical ancestral root, a subject of intense debate for many years, was ruled inconsistent with the provisions of the Constitution by the Constitutional Court in July 1997. Civil Code Article 809, Clause 1 that pertains to the prohibition is therefore to be amended no later than December 1998 and shall lose effect after January 1999. Further, pending the amendment of the relevant Article, its application is to be ceased. The Court's ruling was based on the argument that the prohibition, though once valid in the traditional agrarian society with an extended family system governed by patriarchal/authoritarian values, is contrary to the provisions of the current Korean Constitution that guarantees each individual's right to pursue happiness in ways congenial to oneself, and the freedom and gender-equal right to marriage.

## Amendments to Income and Inheritance Tax Laws

27. Taking into consideration that both marital partners contribute to the creation of family assets even if one or the other does not earn income from outside sources, the Government amended the Inheritance Tax Act in 1994 to raise the exemption upper ceiling for gift and/or inheritance between marital partners and put it in effect in 1996. By this amendment, inherited assets equivalent to one billion Won (approx. US $850,000) or less are subject to exemption, and in the case of assets received in gift from the spouse, up to 50 million Won (approx. US $42,500) became exempt from taxation.

28. In December 1996, the Inheritance Tax Act was amended again to allow an exemption up to three billion Won (US 2,307,700) worth of assets inherited from the marital partner and up to five billion Won in the case of gift assets. This amendment went into effect in 1998. In October 1997, taxation of assets representing the portion for a divorced or divorcing partner after the division of property previously under co-ownership was ruled unconstitutional. Consequently, such taxation will no longer be practiced hence forth.

29. As far as measures and/or procedures for redressing infringed rights are concerned, there is no gender-based discrimination or differentiation. However, to safeguard individual citizens from potential infringement, various committees have been established and endowed with "watch-dog" and arbitration functions.

## The Gender Equality Promotion Committee

30. In 1996, under the mandate of the Basic Law for the Advancement of Women, the Government established the above Committee prior to taking corrective measures with reference to various gender-discriminatory elements in existing laws, institutional arrangements, administrative measures and practices and, thus, to promote gender equality.

31. The Committee is comprised of ten members with relevant expertise and/or experience and is under the purview of the Minister of Political Affairs (II). It examines, investigates and otherwise reviews cases of gender discrimination reported by individuals or organizations, and sets in motion steps to address these if and when necessary.

32. Since 1997, the Committee has been developing guidelines for eradicating gender discrimination in all sectors of society. The guideline will be two-fold: for the public sector and the private sector. Once completed, it will become the standard framework for examining cases/situations of gender discrimination.

## The Equal Employment Committee

33. Problems arising from violations of the Equal Employment Act (EEA), whether in relation to recruitment, wage, training, placement, promotion, retirement or re-employment, must first be dealt with by a body established within the place of employment in accordance with the Act. When problems cannot be resolved by such a body, the relevant local labour administrator has the authority to either help settle them himself/herself or to refer them to the Equal Employment Committee for arbitration. Currently, there are six Equal Employment Committees under the auspices of an equal number of local labour offices (Taegu, Pusan, Inchon, Kwangjoo and Daejun), each Committee being comprised of 15 members representing, respectively, the interests of employees, employers and the public at large. These Committees meet when the need for arbitration arises. However, since the latest EEA amendment, the Committee's role vis-a-vis gender discrimination has been minimal: there having been only one Committee meeting on such matters.

## Admission of Women to Military Academies

34. In accordance with the December 1995 amendment of the Military Academies Act and the regulations governing its implementation introduced in March 1997, Korean military academies which, previously, functioned as training organizations for combat commanders, widened their perspective to include women wanting to serve in the military in various professional capacities. Under the Act, the Air Force Academy admitted 20 young women in December 1996 while the Army Academy will begin to do so from 1998. Currently, the ratio of women admitted to military academies is approximately 10% of the total number of cadets.

## Expanded Admission of Women into Public Employee Training Institutions

35. While various specialized public employee training institutions such as the Police Academy, the Rail Transportation College, the Tax Affairs Institute, etc. do not restrict the entry of female students, they had followed a quota system that, in effect, became gender discriminatory at the quota's upper ceiling.

For this reason the Government has been adjusting the ceiling upward from 1996, incrementally. The ratio of women admitted to the Tax Affairs Institute will increase from 20% in 1997 to 50% by the year 2000, that for the Rail Transportation College from 3% to 50% and that for the Police Academy from 4% to more than 10% over the same period.

### Measures to Prevent Sexual Harrassment of Women at Work

36. Voluntary efforts on the part of the private sector business/industrial establishments to prevent sexual harassment and outright abuse of women have continued during the report period. In November 1995, for example, the Keum Ho Group published guidelines for preventing sexual harassment among its employees, as did the Hyundai Group and Seoul National University. Means have been sought to regulate sexual abuse of women through the amendments of the Punishment of Sexual Violence and Protection of Victim Act and the EEA, but the impact has been minimal. In this connection, the Korea Women's Development Institute (KWDI) undertook studies on "Legal Measures Against Sexual Abuse of Women at Work" (v. KWDI study series 1997, p. 210-1) and "Curriculum Development for Changing the Gender-Discriminatory Cognition and Practices at Work" (KWDI study series 1996, pp. 200-222), and the study reports made available to business/industrial establishments and other organizations concerned with addressing the issue.

37. The Prostitution Prevention Act had previously sought to prevent women from engaging in prostitution and to rehabilitate those who have already done so. Since this law was blatantly discriminatory in that it took issue only with women and not their male counterparts. A broad coalition of women's organizations staged a vigorous protest and, in 1996, the Act was amended to cover both men and women who are partners in the sex trade.

## ARTICLE 3

### <1> National Machinery for Women

### Ministry of Political Affairs (II)

38. In 1988, the Government designated the Ministry of Political Affairs (II) as the governmental body responsible for the advancement of women's status in Korea and appointed female Ministers.

Initially, the Ministry was resonsible for matters relating to children, youth and senior citizens as well but, since June 1990, it has focused on women's affairs, which facilitated coherent formulation and implementation of women's policies and programmes.

39. The Ministry handles women's policy studies and development, coordination of all activities on the part of substantive Ministries which impact women. Further, all substantive ministries and offices are required to consult with the Ministry when drafting laws, policies and programmes that have implications for women, particularly concerning the issue of gender equality.

40. During the 1990s, the Ministry focused on strengthening its integrative and/or coordinating role vis-a-vis the activities of the various substantive ministries. One important aspect of this function is reflected in the fact that, in accordance with the stipulations of the February 1994 amendment of the regulations governing the National Committee on Women's Policy, each substantive ministry is required to submit a work plan for women every three years for the Committee's review and endorsement. Also, many ministries have designated a women's unit to facilitate collaboration with the Ministry for Political Affairs (II).

National Committee on Women's Policies

41. The Committee was established in 1983 by Executive Decree as an advisory body under the Office of the Prime Minister. When government ministries formulate policies for the advancement of women, policies are subject to review by the Committee. It has the highest advisory authority on women's policies and reviews all major legislation, strategies, policies and programmes stemming from government ministries and agencies and it also advises the Prime Minister. The committee also proposes its own policies and programmes to the Prime Minister. Indirectly, it has a monitoring function and also provides reference to the activities of various government agencies that deal with women issues.

42. The Committee is chaired by the Prime Minister, with the Deputy Prime Minister for Finance and Economy, the Minister of National Unification, and the Minister of Political Affairs (II) serving as co-vice chairpersons. Other permanent members are the Ministers of Foreign Affairs; Home Affairs; Justice; Education; Culture and Sports; Agriculture, Forestry and Fisheries; Health and Welfare; Labour and General Administration (ex-Officio), and individual experts from outside the government appointed by the Prime Minister. The civilian members represent diverse interests in the non-governmental sector and have expertise in women's affairs.

## The Gender-Equality Promotion Committee

43. The establishment of the Gender-Equality Promotion Committee has been mandated under Article 11 of the Basic Law for the Advancement of Women.

## Special Committee on Women in the National Assembly

44. The National Assembly has established in June 1994 the Special Committee on Women. Comprising 20 Members of the Assembly, it reviews matters relating to the rights and welfare of women. In 1996, it examined seven agenda items inclusive of those relating to the punishment of sexual violence and protection of sex violence victims and prevention of domestic violence, and forwarded its consensus reports to appropriate standing committees for legislative action.

## Administrative Machinery for Women in Government Ministries

45. Policies and programmes for women are formulated and implemented by many ministries commensurate with their respective capabilties and/or purview and in consultation with the Ministry of Political Affairs (II) and the National Committee on Women's Policies.

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46. The Ministry of Health and Social Affairs includes the Women's Welfare Division, which is part of the Office of the Social Welfare Policy. The Office of the Family Welfare Examiner deals with women's affairs in the field of social welfare. Major responsibilities of the Women's Welfare Division include programme planning, programme development and distribution, and supervision or management of institutional facilities for disadvantaged women.

47. The Ministry of Labour, within its Labour Standards Bureau, has a Division for Women and Minors, placed under the charge of a women guidance officer, who reports directly to the vice-minister. The two entities work together to address women's issues arising in the labour field. The Division for Women and Minors in particular takes responsibility for improving working conditions for women and minors, their protection and guidance in the context of their work, and the promotion of female workers' well-being and advancement.

## Government-Supported Research Institute on Women

48. The Korean Women's Development Institute (KWDI) was established in 1983 to carry out studies and research on women, provide education and training to develop women's resources, and assist women's organizations in their activities.

The Institute was transferred in 1991 from the administrative purview of the Ministry of Health and Welfare to the Ministry of Political Affairs (II) in order to strengthen the Government's hand in the area of women's policy formulation and implementation.

49. In December 1995 and September 1997, respectively, the Women's Information Center and the Social Education Center were established within the KWDI. The former conducts research, produces and disseminates pertinent information materials for the purpose of supporting women-related policy and programme development, while the latter engages in strategic training of women, especially to fill the need for women leaders in non-traditional professions.

### <2> National Plan for the Advancement of Women

50. In order to integrate women's policy into the National Development Plan, the Government, as a follow-up to the inclusion of a women's sector in the 6th Five-year Economic and Social Development Plan, included a separate section for women in the 7th Five-year Plan (1992-1996) as well. Primary areas of focus were education, employment, culture, social participation, social services and international cooperation.

51. The Basic Law for the Advancement of Women mandates the formulation and implementation of a Women's Basic Policy Implementation Plan. The Government is therefore currently drafting the first plan for the 1998-2002 period. It wil provide the main direction for efforts in the women's field during the period. In December 1997, the Ministry of Political Affairs (II) undertook consultations and coordination activities with other sectoral ministries and held public hearings on the Plan. This entailed visiting many provincial areas to obtain local feedback.

52. City and provincial administrations and other self-governing entities will implement their respective programmes within the Plan's overall framework, and thus render nation-wide endeavors in the women's field systematically.

### The Ten Policy Priorities for the Advancement of Korean Women

53. As part of the follow-up to the outcome of the Fourth World Conference on Women (Beijing), the Government identified ten priority concerns in October 1995 and has embarked on their implentation. The ten areas of concern in question are outlined in Table 1.

(Table 1) Ten Policy Priorities for the Advancement of Korean Women

| Policy Issues | Specific Activities |
|---|---|
| 1. Expansion of child care facilities and qualitative upgrading of service | ◦ Vitalization of child care cooperatives<br>◦ Develop effective modalities for utilizing religious facilities for child care |
| 2. Introduction of After-school child guidance system | ◦ Expand after-school child guidance system for all elementary schools |
| 3. Universalization of school lunch programme | ◦ Expand the existing school lunch programme to all elementary schools |
| 4. Establish the target for raising the ratio of female public employees | ◦ Introduce the means to promote recruitment of female public employees through competitive examination<br>◦ Abolish the ceiling for female admission into public employee training institutions<br>◦ Expand the female participation ratios in the various government committees |
| 5. Introduction of a public sector female employment incentive system | ◦ Introduce incentives for public sector employment of women |
| 6. Establishment of a maternity cost social sharing system | ◦ Introduce a social cost-sharing system for the remuneration of female employees during their maternity leave periods through social insurance.<br>◦ Expand the target business/industries liable for the child care leave promotion grant. |
| 7. Expansion/improvement of women's resource development infrastructure | ◦ Strengthen job training in the junior high and high school curricula<br>◦ Strengthen job training for women for re-entry into the labor market. |
| 8. Establishment of information network on/for women | ◦ Establish women's information center<br>◦ Establish women's information network |
| 9. Enactment of the Basic Law for the Advancement of Women. | ◦ Enact the Basic Law for the Advancement of Women. |
| 10. Promotion of gender equality through the mass media | ◦ Expand women's participation in broadcast media-related committees<br>◦ Prepare the mass-media gender discrimination standard index<br>◦ Production/distribution of women related public interest media materials |

### <3> Government Budget for the Advancement of Women

54. The Ministry of Political Affairs (II) established the Women's Development Fund under the mandate of the Basic Law for the Advancement of Women, which will support actions to implement the Platform for Action for the Advancement of Women adopted at the Fourth World Conference on Women. The target size of the Fund is 100 billion Won (US 71,428,600) by the year 2001, 10 billion Won (US 7,142,900) already allocated in 1997 and 1998.

55. Specific work to be undertaken through the Fund includes that related to: realizing gender equality in civil society at large; strengthening women's capacity for socio-economic and political participation; the establishment and operation of service and training facilities for women; international cooperation in the women's field; women's voluntary service activities, etc. The establishment of the Fund is highly significant in that it will make the substantive realization of the provisions of the Basic Law possible for the Advancement of Women. The fact that the 1997 portion of the Government's allocation to the Fund was a priority reflects its firm commitment to gender equality and woman's advancement.

### <4> Efforts of Local Autonomous Bodies

56. Since the introduction of the Local Autonomy System in 1995, local government machineries for women have been undergoing restructuring. The City of Seoul established the Office of Women's Policy Aide, which has the overall responsibility for the City's administration of women's affairs, as well as established the Women's Policy Advisory Committee to advise the Mayor on the same. Similarly, other local self-governing bodies are also in the process of establishing research and development-oriented organs promoting the advancement of women.

57. At the same time, local self-governing bodies are moving toward establishing their own women's funds, again under the mandate of the Basic Law. This foretells the emergence of women's policies and programmes that can incorporate local women's needs and realities.

# ARTICLE 4

## <1> Special Measures for the Advancement of Women's Status

58. Article 6 of the Basic Law for the Advancement of Women, by stipulating that "the State and Local Autonomous Bodies may take time-bound affirmative actions in areas where women's participation is severely limited, in accordance with pertinent legal provisions ..." has strengthened the legal basis for giving women special advantages in selected areas, such as in relation to public sector employment and political participation.

59. In a definitive move to redress gender imbalances among public sector employees, the Government instituted a female public employee target system which allows a set ratio of women to be recruited into the public sector each year regardless of the ratio of women who pass competitive public employee examinations. This system will be in effect until the year 2000, and target female ratios will rise to 20% by the year 2000 from the 10% base in 1996. The application of this system, however, is confined to the civil service examinations for the administrative and foreign service personnel and to the open recruitment examinations for 7th-level administrative, public security and foreign affairs personnel.

60. As a result, the ratio of women passing relevant examinations increased to 9.0% in 1996 from 4.7% in 1995. The number of women recruited into public service above and beyond those who passed the examinations was two; the administrative civil service had two, the foreign service: one, and 16 in the case of open recruitment examinations for 7th-level public employees. (Table 2)

(Table 2) Female Recruits for the Public Sector Since the Introduction of Female Public Employee Target System

(Unit : persons, %)

| Category | Before the System | | | | | | After the System | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1994 | | | 1995 | | | 1996 | | | |
| | Total recruited | Of which, female | Female ratio | Total recruited | Of which, female | Female ratio | Total recruited | Of which, female | Female ratio | Remark |
| Adm. | 250 | 15 | 6.0 | 183 | 19 | 10.4 | 192 | 19 | 9.9 | + 2 Prsns |
| Foreign | 35 | 3 | 8.6 | 35 | 2 | 5.7 | 41 | 4 | 9.8 | + 1 Prsn |
| 7th level | 598 | 21 | 3.6 | 334 | 5 | 1.5 | 383 | 25 | 6.2 | +16 Prsns |
| Total | 883 | 39 | 4.4 | 552 | 26 | 4.7 | 612 | 48 | 7.8 | +19 " |

Source: Ministry of Political Affairs (II), unpublished data, 1997

61. While the target system applied to the recruitment of civil service personnel, public sector business/industries were encouraged to use a "public sector female employment incentive system," which affords a five-point advantage to female applicants on examination scores, similar to the case of men who have completed military service. This particular incentive system has been used since 1996 at 106 public sector establishments such as government subsidized agencies, government investment and reinvestment agencies, and public sector legal bodies.

62. Because the application of the incentive system is left to the discretion of each establishment concerned, its impact has been less than in the case of the target system. In 1996, only 15 of the total 106 public sector business/industrial establishments (14.2%) took advantage of this system. Nevertheless, the system is worthwhile in that it leaves open the possibility of extending a positive opportunity for women to a broader segment of the country's business/ industrial community. (Table 3)

(Table 3) Coverage of Public Sector Female Employment Incentive System (As of August 1996)

(Unit: establishments, %)

| Category | Target org/agency(A) | Implementing org/agency(B) | Ratio(B/A) |
|---|---|---|---|
| Gov investment org/agency | 18 | 4 | 22.2 |
| Gov re-investment org/agency | 34 | 5 | 14.7 |
| Gov subsidized org/agency | 54 | 6 | 11.1 |
| Total | 106 | 15 | 14.2 |

Source : Ministry of Political Affairs (II), Ministry of Interior, 1997.

63. Although the public sector's participation in the female employment incentive system has not been very active, the Korea Airport Management Corporation broke down the previous inertia for the first time. Among all 1997 recruitment posts, 20% were allocated to women. This shift represents a remedial measure for the very low-level female representation ratio among its employees, which had stood at 3.7% of the total 377 persons recruited during the 1990s.

64. The introduction of the female employment incentive system stemmed from consistent efforts on the part of women's NGOs. Specifically, they advocated the implementation of the Beijing Platform for Action, whose overall underlying theme was empowering women and letting them participate in decision-making, with 30% as the target untill the year 2000. A coalition was formed during the 1996 general election for the National Assembly calling for a quota system for women's representation in all public sector business/industries and in the Assembly itself. They advocated 30% female representation in the recruitment, promotion and personnel training by all public sectors, in line with the United Nations' target for female participation in national and international development.

### <2> Special Measures for Protecting Working Women

65. The Labor Standards Act stipulates "Special Measures for Protecting Women" to ensure their safety as mothers and/or prospective mothers, as was discussed further in the portion of this report covering Article 2.b.

## ARTICLE 5

66. Article 21 of the Basic Law for the Advancement of Women stipulates the duty of the State and that of local autonomous bodies to endeavor to enlist all public sector training institutions, social education agencies and business/industrial establishments in providing gender equality consciousness-raising training. To eliminate socio-cultural factors underlying gender discrimination and fixed notions of gender roles, the Government took the following measures.

### Consciousness-raising Education on Gender Equality

67. As part of a broader Governmental effort to break down traditional and irrational prejudices against women, various public sector training institutions have carried out training activities for public employees of all levels. In 1991, 4,905 persons underwent such training in 27 separate courses while, in 1995, 18,468 persons did so in 185 separate courses, showing a marked increase of activities in the subject area during the 1990-1995 period. As in 1995, 33 of the 45 national or public sector training institutions operated 185 courses between them, and 76 of those were conducted on a regular basis. Non-regular courses are in decline, however, as a proportion of the total number of courses.

68. Beyond public sector initiatives in the subject area, numerous women's NGOs also engaged in a wide variety of gender equality consciousness-raising training, the most typical of which were those undertaken by the KWDI's Social Education Institute for Women and the Women Link's Center for Women Workers.

69. In 1996, special attention was paid to identifying issues and difficulties in gender equality consciousness training and to developing specific programmes that address those with effect. The programmes developed were distributed to 45 national and public sector training institutions and 19 government-invested organizations/agencies. The 1997 focus was to develop and distribute additional and varied teaching materials to similar bodies.

70. Since 1992, the Government has developed and distributed a "social education programme for women" designed to promote awareness of gender equality and to empower women. The KWDI's Social Education Institute was established in 1997 within the framework of the Korea Women's Development Institute to vitalize women's capacity- building activities.

71. In each of the seven local autonomous bodies, including Seoul, Pusan and Taegu and the provinces of Kangwon, Choongchung South, Choongchung North and Chulla South, a "Lecturer Bank" was established to find qualified personnel for gender awareness education and to prepare and distribute educational materials. Each Bank has 60-70 university professors and other experts on call; the combined frequency of their lectures totalled 11,445 sessions between 1984 and 1996, with 1,386,971 persons in overall attendance.

Improvement of Gender Equality Consciousness Through Mass-Media

72. The Broadcasting Committee, established to oversee media activities, has been active in promoting gender equality. On 15 February 1985, the Committee found it necessary to dispatch a written warning to all the broadcasting systems against gender discriminatory representation in their media content and, in 1990, established an "Audience Grievance Committee" that has been highly receptive to a wide range of redress demands from individual or corporate media monitors. By the same token, the Korea Broadcasting Corporation (KBS) has produced public service advertisements on gender equality for distribution to all television networks in the country.

73. The KWDI also was similarly active in producing a movie, videos and slides and distributing them to all pertinent public sector organizations/agencies free of charge, or renting them out to schools, women's organizations and individuals.

A total of 40 items were produced during 1984 and 1997. On the utilization side, untill 1992, there were 10,800 rentals and 1.8 million viewers. More recently (1995-1996), sales and/or rentals of the media materials numbered 3,000. Some women's NGOs also produced similar materials. The Women's Hotline (Korea), for instance, produced a play as well as a video under the title "Out of the Trap" for nation-wide distribution, and the Women's Culture and Art Project staged a play called "One's Own Room."

74. The Ministry of Political Affairs (II) has endeavored to integrate gender issues associated with the mass media into women's policy. The Ten Priority Agenda for Broadening Women's Social Participation, announced in October 1995, and the Basic Law for the Advancement of Women enacted the same year, containing provisions vis-a-vis media-related gender issues, offers a legal basis for policy action in the subject area. As an initial step toward responding to these mandates the "TV Gender Discrimination Indicators" was developed and widely used in 1996.

## ARTICLE 6

### Laws Prohibiting Prostitution

75. The Republic of Korea prohibits prostitution and sexual exploitation of women by law. The Law Prohibiting Prostitution, as amended in January 1995 and in force since January 1996, stipulates a year's imprisonment or up to a three million Won fine for prostitutes and their customers and five years' imprisonment or up to five million Won fine for those who provide facilities for or arrange prostitution. Further, a prison term of up to five years or a fine of up to 15 million won will be placed on panderers who rely on threats, violence, deceit and/or threat of dismissal from a legitimate job. Thus, the latest amendment to the Law stipulates considerably more stringent penalties for all parties connected with prostitution and takes particular care to prohibit forcible subjugation of persons for prostitution purposes.

### Protection of Women in Prostitution

76. To prevent women fleeing domestic hardship from resorting to prostitution and to provide guidance to women in prostitution, the Government established 30 counselling centers throughout the country and 62 easy-access counselling store-fronts in the vicinities of railway stations, bus terminals, military bases and other high-density prostitution areas. At present, these facilities are staffed by 406 counsellors. Women found to possess rehabilitation potential through the counselling process are trained in job skills at vocational training institutes and guided back into mainstream society.

77. Prior to the January 1996 amendment of the Law, women arrested for prostitution were held in protective custody and underwent obligatory job training at vocational guidance facilities. Subsequent to the amendment, however, the "vocational guidance facilities" came to be called the "protective guidance facilities" and residency therein was optional rather than compulsory.

78. Residents of the protective guidance facilities receive free room and board and have access to occupational training as well as to preparatory classes for equivalency tests for various education levels, and to personal development-oriented counselling service. One period of residency at any of the facilities is six months, extendable to an additional six months. In 1996, there were 470 new entrants at 12 separate facilities, which represents a low utilization rate. With more active dissemination of information concerning the services available at the facilities, however, the rate of new entrants has been on the rise. (Table 4)

(Table 4) Women under Protective Guidance

(Unit: establishment, persons)

| Type of facility | Year | No. of facility | No. of persons at facility | Total no. of women discharged | Circumstance of discharge | | | Persons at year-end |
|---|---|---|---|---|---|---|---|---|
| | | | | | Placed in jobs | Returned home | Other | |
| Occupa-tional guidance | 1992 | 21 | 2,908 | 3,106 | 605 | 2,095 | 406 | 954 |
| | 1993 | 23 | 2,907 | 2,721 | 592 | 1,734 | 395 | 1,140 |
| | 1994 | 22 | 2,326 | 2,667 | 569 | 1,603 | 495 | 799 |
| | 1995 | 21 | 1,827 | 2,067 | 452 | 1,322 | 293 | 559 |
| Protective guidance | 1996 | 12(1) | 419(51) | 487(51) | 70 | 82(8) | 307(51)* | 284(34) |

Note: The figures in ( ) represent those held at temporary guidance facilities.
The category "Other" included 176 (36) persons who left with relatives; 63 persons who married, and 68 (7) others.

Source: Ministry of Health and Social Welfare, Status of Women's Welfare Facilities, 1996.

## Laws Concerning Human Trafficking

79. There are two major legal instruments which address the problem of human trade in Korea. One is the prohibition of "the crime of induction and exploitation of the weak" (Criminal Code Chapter 31, Articles 287-296) and the other the Prostitution Prevention Act.

Other relevant laws include: Criminal Code Chapter 25, Articles 257-265 on the crime of injury and violence to others; Chapter 32, Articles 297-306 on the crime of rape and other unseemly acts; Chapter 29, Articles 276-286 on the crime of arrest (deprivation of physical freedom) and incarceration; the Law for the Punishment of Violent Acts; the Act on Aggravated Punishment for Specific Crimes; the Occupational Stability and Employment Promotion Act; the Juvenile Protection Act; and the Child Welfare Act.

80. Criminal Code, Chapter 31 on the crime of exploitation and induction of the weak, constitutes the pillar of legal provisions against human trafficking. Article 288, Clause 2 of the same Chapter on the crime of trafficking in women, especially, stipulating one or more years of imprisonment for exploitation of or trafficking in women for purposes of profit, bribery, employment in prostitution trade, etc., is typical of such legal provisions in Korea. The Law for Heavier Punishment for Specific Crimes, in its Article 5, Clause 2, also stipulates five or more years of imprisonment for improper sexual behaviour, adultery, abduction or induction of persons for profit, and trading in women to employ them in prostitution.

**Measures to Eliminate and Prevent Sexual Violence**

81. The Government has formulated measures to root out sexual violence in 1992; implementation is under way with almost all government ministries participating, and the Ministries of Political Affairs (II), Legal Affairs, Education, assuming leading roles. Major features are as follows:

- o People's movement to prevent and eliminate sexual violence (Political Affairs (II)
- o Protection of the victims of sexual violence and those who report same to authorities (Legal Affairs)
- o Strengthening of sexual violence prevention education in the elementary to high school curricula (Education)
- o "Clean-up" of unhealthy and/or harmful environment for youths and the legislation of the Youth Protection Act (Culture and Sports)
- o Operation of sexual violence victim reporting centers and shelters for the victims (Health and Social Welfare)
- o Establishment and operation of counselling service and telephone lines at police stations specifically for women victims of sexual violence (National Police Bureau)

## Laws against Sexual Violence

82. The Punishment of Sexual Violence and Protection of Victim Act was enacted in January 1994 and amended in July 1997 to address specifically the ills of sexual violence within and beyond the domestic context. Further, Article 25, Clause 1 of the Basic Law for the Advancement of Women, in force since July 1996, imposes responsibility on all Local Autonomous Bodies for preventing sexual violence and protecting the victims of such violence in accordance with laws and regulations concerning the matter. Also, the Criminal Code, as amended on 29 December 1995, has imposed harsher penalties for sexual violence than ever before.

83. The Punishment of Sexual Violence and Protection of Victim Act is a special law that holds the state responsible for preventing this crime and for protecting victims, requires it to establish protective shelters for the latter and to take institutional and procedural measures designed to safeguard the interest of same in the process of criminal investigation and court proceedings, and to strengthen penalties.

84. The Law also treats sexual violence against disabled persons and minors as crimes to be dealt with more harshly under the Law for Heavier Punishment of Specific Crimes.

The details of this amendment are as follows:

- o Expansion of the range of punishable sexual acts against disabled persons and strengthening of protective measures for the same.
- o Introduction of new provisions under which rape and other forcible sexual acts against minors under the age of 13 are treated as specific crimes punishable with heavier penalties.
- o Inclusion of penalty for disclosure of the identity and privacy of the victim.
- o Introduction of the obligation on the part of personnel of juvenile protection facilities to report immediately cases of third-party complaints to investigating authorities.

## The Protection Programme for Sexual Violence Victims

85. A number of counselling centers are in operation for the benefit of women victims of sexual violence. Establishing a counselling center is not complicated since individuals and/or organizations able to fulfill standard requirements can intitiate the process by simply reporting it.

In October 1997, there were 35 such centers around the country and, in addition, the various city and county-level women's centers also carry counselling functions for women victims of sexual violence.

86. By October 1997, three protective shelters for women victims of sexual violence had been established under government auspices. The costs of operating the shelters, including the staff and expert salaries, building maintenance, etc. are being borne from the government budget.

(Table 5) Counselling for the Victims of Sexual Violence

| Category / Year | No. of Centers | No. of Counselling Provided | | | Outcomes | | | |
|---|---|---|---|---|---|---|---|---|
| | | Total | To the Victims | To the Guardian | Return Home | Admitted into Shelter | Referral for Treatment | Others |
| 1995 | 12 | 3,245 | 1,868 | 1,377 | 276 | 52 | 242 | 2,675 |
| 1996 | 23 | 10,093 | 5,489 | 4,604 | 1,621 | 279 | 1,044 | 7,149 |

Source: Ministry of Health and Social Welfare. Unpublished data.

87. The Government has designated seven organizations, including the KWDI, as training institutions for counsellors of victims of sexual violence and trained 240 persons (120 public employees plus 120 private sector personnel) each year on average during the last several years. As of October 1997, the total number of counsellors trained stood at 910. The Government plans to expand its support of activities related to the prevention of sexual violence and protection of the victims of such violence.

## Protecting Female Children from Violence, Abuse and Sexual Exploitation

88. Female children are protected from violence, abuse and sexual exploitation and other forms of mistreatment under Article 287 of the Criminal Code that stipulates an imprisonment of up to 10 years for exploitation and induction of minors, and under Article 242 of the same Code that calls for up to three years in prison or up to a 15 million Won fine for trafficking in minors for profit.

Also, Article 34 of the Child Welfare Act contains specific penalties for: involving children in promiscuous or indecent acts or engaging them as intermediaries for such acts; employing children under 14 of age at adult-oriented "entertainment" establishments; enouraging children to panhandle; and abusing or mistreating children under one's guardianship. In addition to these, the Punishment of Sexual Violence and Protection of the Victim Act treats the rape of children under 13 years of age and any other forcible engagement in indecent acts as crimes warranting the imposition of stiffer penalties.

**Measures against Domestic Violence**

89. The Government formulated comprehensive measures for the prevention of domestic violence in 1996 and charged all substantive ministries concerned with the responsibility for their implementation. Moreover, in December 1997, the Domestic Violence Punishment Special Act and the Prevention of Domestic Violence and Protection of the Victim Act passed the Legislature. Comprehensive measures to counter domestic violence, including these legislative inititaives, are being dealt with as a cross-sectoral agenda of the Government, the Ministry of Political Affairs (II), Office of Public Information, Ministries of Interior, Legal Affairs, Education, Culture and Sports, Health and Social Welfare, etc. being the substantive Ministries directly involved. Major features include:

- Elimination of violence and violent images from the mass media and more stringent control of the disemination of such media materials (Office of Public Information; Ministry of Culture and Sports)
- Expansion of domestic violence prevention centers, temporary shelters and protection facilities for victims (Ministry of Health and Social Welfare)
- Strengthening of educational and informational activities aimed at reforming the socio-cultural milieu that induces and/or provokes violence (Ministry of Political Affairs (II))
- Strengthening of the domestic violence reporting and response system (The National Police Bureau)
- Establishment of a collaborative mechanism between the domestic violence reporting centers, counselling agencies, shelters and/or protection facilities, the police stations and hospitals with a view to evolving a nation-wide emergency response system vis-a-vis domestic violence.

Further specifics of the legal instruments are as follows:

## The Special Act for the Punishment of Domestic Violence

90. Providing for a special criminal proceeding for domestic violence cases, this law seeks to help restore domestic peace and stability by holding the offenders in protective custody and subjecting them to corrective training. Major features of the law are as follows:

91. Under this law, domestic violence includes injuries, violent acts, physical incarceration and imprisonment as defined in the Criminal Code, but are subject to heavier penalties based on the Law for Heavier Punishment of Specific Crimes. The Act also makes reporting incidences of domestic violence obligatory on the part of heads of medical and counselling establishments and others who become aware of such cases in the course of their work. Moreover, under the same Act, a victim of domestic violence may bring suit against the perpetrator even if he/she is a close family member.

92. Police officers, upon receipt of a report of domestic violence in progress, must proceed to the scene of the crime and take appropriate measures as required by relevant laws; in the event that further violence might occur despite actions taken by police, the prosecutor may request a court order to restrain the offender from the victim or the rest of the family, or forbid the offender from approaching the (potential) victim, or take other temporary measures as necessary; and the court may isolate the potential victim, entrust same to medical or custodial care facilities, etc. in order to protect the potential victim as well as to facilitate the process of investigation and situation analysis.

93. If and when custodial care is deemed necessary, the court may limit or prohibit the offender from approaching the potential victim, limit the exercise of parental rights, or order the same to a period of social service, behavioural correction classes, or remand to custody for observation purpose. The Act also stipulates compensation of medical costs, loss of property, and custodial care costs through speedy legal proceedings.

## The Prevention of Domestic Violence and Protection of the Victim Act

94. Aimed at promoting domestic stability and peace through prevention of domestic violence and protection of the victims, this law holds the state and local autonomous bodies responsible for creating necessary legal and institutional mechanisms and securing the necessary resources for that purpose.

95. It requires the state and local autonomous bodies to establish and operate domestic violence counselling centers and custodial care facilities for the victims and to provide support to similar facilities/services through private auspices.

Programmes for the Victims of Domestic Violence

96. The Government has established and manages facilities dedicated to temporary protection of mothers and their children whose health and development may be jeopardized due to violence on the part of their husbands/fathers. They spend one month in physical and psychological recuperation at the shelters, and can stay an additional month if necessary. By December 1997, there were seven such facilities, primarily in larger cities.

97. On the non-governmental side, some women's and religious organizations also operate shelters for domestic violence victims free of charge. The two "Rest Houses", under the management of the Women's Hotline since 1987 are typical of those. There are altogether ten NGO-run shelters currently in operation.

Protection and Support of the Comfort Women

98. While the issue concerning women forcibly inducted into sexual service for Japanese soldiers during WWII has come to gain better attention owing, in part, to the activities of the United Nations Human Rights Commission. The Korean Government, on its part, has called for a rigorous investigation into its historical truth and endeavors to seek a just solution for the victims of unspeakable barbarism yet to be addressed more than half a century after the fact.

99. The Government carried out a large-scale investigative survey in 1992. And to promote self-healing, the Former Comfort Women's Livelihood Stabilization Act was enacted in June 1993. According to this Act, eligible women are entitled to monthly livelihood assistance under the Livelihood Protection Act (senior citizens' allowance is included) and medical assistance available under the Medical Assistance Act. Homeless people will be given priority on long-term housing rentals. A lump sum grant of five million Won (US 3,600) and a monthly grant of 500,000 Won (US 360) will be allocated to each person. In addition, up to 1.08 million Won (US 780) in dental coverage is also available per person. From 1993 to January 1998, the total number of eligible women was 186, while 31 passed away. To date, 155 people have benefitted from these provisions.

# ARTICLE 7

## Women's Voting Rights and Electoral Eligibility

100. The Korean Constitution, and particularly Article 11, Clause 1 stipulates guarantees for equal political participation on the part of all citizens and prohibits discrimination of any form in this connection. Article 24 of the constitution provides that "All citizens shall have the right to vote under conditions prescribed by law", and under Article 25, "All citizens shall have the right to hold public office under conditions prescribed by law". The Constitution, thus, does not restrict women from participating in the electoral process as either voters or candidates for public offices. Any man or women 20 years of age or more may freely exercise their voting rights; men and women 40 years of age or more can run for the Presidency; and men and women aged 25 and above are qualified to run for election to the National Assembly.

## Women Voters

101. In the last presidential election, held on 18 December 1997, the number of eligible women voters numbered 16,418,262 or approximately 50.8% of total eligible voters.

## The Legislature

102. During the 12th National Assembly (1985-1988), there were eight women among the total 276 Representatives (2.9%); in the 13th Assembly (1988-1992) six women among the 299 Representatives (2.0%); in the 14th (1992-1996) seven among the 299 Representatives (2.3%); and in the 15th Assembly (1996-2000) nine among the 299 Representatives (3%). (Table 6)

(Table 6) Number of Representatives in the National Assembly

(Unit : Persons, %)

| Assembly | Total Number of Representatives | Congress Women | | Elected Congress Women | | Appointed Congress Women | |
|---|---|---|---|---|---|---|---|
| | | Total No. | % | Number | % | No. | % |
| 12th (1985~1988) | 276 | 8 | 2.9 | 2 | 1.1 | 6 | 6.5 |
| 13th (1988~1992) | 299 | 6 | 2.0 | 0 | 0.0 | 6 | 8.0 |
| 14th (1992~1996) | 299 | 7 | 2.3 | 1 | 0.4 | 7 | 11 |
| 15th (1996 - 2000) | 299 | 9 | 3.0 | 2 | 0.8 | 7 | 15.2 |

Source: KWDI, A Study on Women Candidates for the National Assembly, 1996.
Central Election Management Committee, 12th-15th National Assembly Elections Almanac, 1985, 1992 and 1996 issues.

103. The first simultaneous elections for local autonomous assemblies, held on 27 June 1995, sent 71 women to district-level assemblies, representing 1.6% of the total 4,541 persons elected and a 0.7% increase over 1991's election results. Women elected to the larger area (provincial or city) assemblies numbered 56, or 5.8% of the total 972 persons elected or appointed (as proportional representatives) to them, reflecting a 4.9% increase from 1991. As for the heads of autonomous entities at the large-area level, one woman, representing 0.4% of the total number of such heads was elected to one of these posts. An important factor underlying the increase in the proportion of women in decision-making positions was the exemplary manner in which women elected to local autonomous assemblies in past elections have participated and contributed, and the heigtened interest on the part of various political parties vis-a-vis women's direct political participation, which is a direct result of the tireless advocacy carried out by women's organizations.

In June 1995, for instance, with four major categories of election for the local autonomous bodies pending, the Korea National Council of Women, the Korean Federation of Women's Organizations and scores of other women's organizations joined force in establishing 20% female representation as the target for local assemblies and called for, in collaboration with the women's focal points within the various political parties, that all "proportional representation seats" at the assemblies be filled entirely by women. (Table 7)

(Table 7) Number of Local Assembly Members and Heads of Local Autonomous Governments (Unit : Persons, %)

| Category | Local Assembly Members & Government Heads | Female Local Assembly Members & Heads of Government | Ratio |
|---|---|---|---|
| Dist Assembly | 4,541 | 71 | 1.7 |
| Larger Area Assem. | 972 (Incl 97 Prop Repts) | 56 (Incl 43 Prop Reps) | 5.8 |
| Heads of Dist Governments | 230 | 1 | 0.4 |
| Heads of Large Area Gov. | 15 | 0 | 0.0 |
| Total | 5,758 | 128 | 2.2 |

Source: KWDI, Measures to Support Political Participation of Women in the Political Parties, 1996.

104. The Public Office Election and Electoral Corruption Prevention Act, as amended in April 1995, introduced a gender-specific proportional representation system and led to 42 seats or 43.3% of the total 97 proportional representation seats going to women. In the case of the District Assembly election, 34.4% of women candidates were elected. These figures indicate that women's direct political participation is on the rise.

105. Some reasons associated with the low level of political participation by Korean women are: paternalistic traditions that discourage their social participation as a whole; social misconceptions regarding the abilities of women politicians; women's less than positive awareness of the importance of their political participation; and inadequate support from political parties. Taking into consideration the view from some quarters that the existing division of electoral districts is unfavourable to women, the Government, in accordance with provisions under Article 15, Clause 2 of the Basic Law for the Advancement of Women that require "the State and Local Autonomous Bodies to endeavor, through diverse means, to strengthen their support for the expansion of women's political participation," has embarked on elaborating the necessary measures to do so.

## The Executive Branch

106. Since appointing a woman as Minister of Commerce and Industry in 1948 when the first post-independence Cabinet was formed, only five women had occupied ministerial posts until the Ministry of Political Affairs (II) was assigned to take charge of women's affairs in 1988 and women were successively appointed as its Ministers. In 1993 when the present Government took office, three women were included in its first Cabinet, as Ministers of Political Affairs (II), Health and Social Affairs and Environment respectively. Women had constituted 12.5% of 24 member Cabinet. By the end of 1997, only the Minister of Political Affairs (II) and the Vice Minister for the same Ministry are women. (Table 8)

(Table 8) Women Ministers

(Unit: Persons, %)

| | Total No. of Ministers | No. of Women Ministers | Ratio |
|---|---|---|---|
| 1985 | 23 | 1 (Health and Social Affairs) | 4.3 |
| 1993 | 24 | 3 (Pol(II), Env'ment, Health&SocWel) | 12.5 |
| 1994 | 24 | 2 (Pol(II), Education) | 8.3 |
| 1997 | 21 | 1 (Pol(II)) | 4.8 |

Source: Ministry of General Affairs, unpublished data, 1997.

107. As of December 1996, women public employees constitute, at 253,917 persons, 27.8% of the total 913,104 public employees, showing a 3.3% increase from 1991's 24.5%. However, women public employees who are above the 5th rank constitute only 2.5%, while the majority are in lower ranks. (Table 9)

(Table 9) Women Public Employees at the Executive Branch, by Grade (1996)

Source: Ministry of General Affairs, Annual Report, 1997.

| Category | Total Female Government Employee | | Female National Government Employee | | Female Local Government Employee | |
|---|---|---|---|---|---|---|
| | No. | Ratio | No. | Ratio | No. | Ratio |
| General Service | 56,157 | 19.5 | 11,646 | 13.0 | 44,511 | 22.3 |
| (Grades 1-5) | (685) | (2.5) | (231) | (1.9) | (454) | (2.9) |
| (Grades 6-9) | (53,832) | (21.7) | (10,944) | (14.8) | (42,888) | (24.6) |
| Research Service | 1,640 | 13.3 | 471 | 13.5 | 1,169 | 13.2 |
| Technical | 44,797 | 24.1 | 21,477 | 26.5 | 23,320 | 22.2 |
| Special | 138,731 | 34.8 | 138,377 | 36.9 | 354 | 1.6 |
| Political Affrs | 3 | 0.8 | 2 | 2.1 | 1 | 0.4 |
| Excepted Service | 6,365 | 42.7 | 550 | 15.6 | 5,815 | 51.1 |
| (>Grade 5) | (266) | (8.8) | (24) | (2.8) | (242) | (11.3) |
| (<Grade 6) | (6,099) | (51.3) | (52) | (19.8) | (5,573) | (60.4) |
| Labour Service | 4,121 | 43.8 | 3,096 | 90.4 | 1,025 | 17.1 |
| Total | 250,174 | 2[illegible] | 175,[illegible]48 | 31.7 | 75,026 | 21.8 |

108. To raise the proportion of female civil servants at higher levels, the Government introduced a female quota system. The details are mentioned in Article 4.a. Also, to eliminate gender discrimination in promotion, training opportunities and other personnel management processes, the "Female Government Employee Personnel Practice Guideline" was prepared in 1993 and implemented since that time. And, in an effort to strengthen female government employees' capabilities, special training programmes, including overseas studies, are being carried out. At the same time, efforts are continuing to increase the proportion of women at various public employee training institutions such as the Tax Affairs Institute, the Rail Transportation College and the Police Academy.

## The Judiciary

109. Among judges, who consitute a special category government employees, there were 72 women or 5.6% of the total 1,292 judges in 1996, registering a modest increase over 1992's 3.7% (42 women) and 1995's 4.9% (61women). As for prosecutors, there were 16 women among the total 1,006 in 1996, which represented a mere 1.6%. (Table 10)

(Table 10) Female Judges and Prosecutors

(Unit: Persons, %)

| Year | Judges | | | Prosecutors | | |
|---|---|---|---|---|---|---|
| | Total | Female | Ratio | Total | Female | Ratio |
| 1992 | 1,133 | 42 | 3.7 | 858 | - | 0.0 |
| 1993 | 1,113 | 46 | 4.1 | 911 | 6 | 0.7 |
| 1995 | 1,239 | 61 | 4.9 | 946 | 10 | 1.1 |
| 1996 | 1,292 | 72 | 5.6 | 1,006 | 16 | 1.6 |

Source: Ministry of General Affairs, Annual Report, 1997.

110. With reference to lawyers at large, the number of women among those stood at 62 or 1.9% of the total 3,338 lawyers in the country as of August 1997. Lately, however, there has been a sudden increase in the number of women passing the National Examination for the judiciary sector, forecasting a marked rise in the proportion of female lawyers in the near future.

## Government Committees/Commissions

111. Under the Prime-ministerial directive of 1989, the Government has engaged in a major effort to increase the representation of women in various governmental committees and commissions. The Ministry of Political Affairs (II) has facilitated this effort by devising the means for implementation and enlisting the active collaboration of various ministries and local governments. The target for female representation in those bodies has been set for 30% by the year 2005. Expanding women's social participation being one of the ten priority policies proposed by the Globalization Committee, those committees/commissions unable, for any reason, to reach the prescribed target will be placed under special management to regularly monitor their progress. At the same time, they will be supported in their efforts to identify and/or develop women experts capable of participating in the committees/commissions in question.

112. In September 1997, there were 1,186 government committees/commissions with a combined total of 17,450 members. Of those, 914, comprising 15,031 members, were under special management; their combined female representation ratio being 11.1%. (Table 11)

(Table 11) Female Representation Ratios in Government Committees/Commissions

| Category | Total No. of Comms. | Comms. unable to reach 30% target | Comms. under spec. management | Composition of Comms. under special management | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Total | | Ex-officio | | Appointee | | Female ratio among appointees (%) |
| | | | | Total | Female | Total | Female | Total | Female | |
| Total | 1,186 | 272 | 914 | 15,031 | 1,404 | 4,784 | 153 | 11,269 | 1,251 | 11.1 |
| Central govment | 310 | 111 | 199 | 4,148 | 346 | 1,022 | 22 | 3,126 | 324 | 10.4 |
| City/ Province | 876 | 161 | 715 | 10,883 | 1,058 | 2,740 | 131 | 8,143 | 927 | 11.4 |

Source: Ministry of Political Affairs (II), unpublished data, 1996.

## Women's Organizations

113. Korea guarantees the rights of all citizens to join non-governmental organizations by law and through institutional arrangements. The central objective of women's non-governmental organizations has been to advance the rights and interests of women.

This goal has been pursued over the years through actions aimed at developing women's potentials, promoting their legal and substantive statuses, nurturing wholesome families, advocating rational consumption, supporting voluntary service, networking among organizations for specific purposes, and international cooperation. As of 1996, there were approximately 4,500 such organizations.

114. With the promotion of intra- and inter-organizational technical cooperation at both the national and international levels, women's organizations are gradually emerging as centers of expertise, especially in such areas as environment, consumerism, health, social services, youth, family management, media monitoring, alternative culture, policy watch, etc.. The Government has been extending support to women's organizations contributing to the solution of such social and/or women's issues as yet outside the range of governments attention since their actions not only complement the Government's role but also promote their participation in the larger society. The Women's Development Fund, expected to reach 100 billion Won (approximately US $100 million) by the year 2001, will likely be the primary source of support.

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115. The Korean Government has ensured the participation of female representatives in the proceedings of the United Nations General Assembly, the Economic and Social Council, numerous international conferences convened by the United Nations and other international organizations. The Government plans to step up its efforts in this respect so as to promote Korean women's direct participation in decision-making at the international level. The Ministry of Political Affairs (II) has actively advocated the inclusion of women in various delegations to international conferences. It is also operating three inter-linked training courses designed to identify and develop female experts for international cooperation. In 1994, the Korean Government was elected to the Commission on the Status of Women, and re-elected in 1997, to serve on the Commission until the year 2001. In 1996, Madam Yung-Jung Kim, the former Minister of Political Affairs (II) was elected to serve on the CEDAW Committee and, in 1997, Madam Yun-Sook Lee, the current Minister for the same portfolio was appointed as a Special Emissary to India on the occasion of the State funeral for Mother Teresa.

116. By July 1997, a total of 1,239 persons were in foreign service and 47 of those were women. Indicating a 3.8% female ratio in the service, it represents an 1.1% increase over the 1992 ratio of 2.7%. (Table 12)

(Table 12) Women in Foreign Service

(Unit: Persons, %)

| Year | Total in Foreign Service | Women in Foreign Service | Female Ratio in Foreign Service % |
|---|---|---|---|
| 1992 | 1,193 | 32 | 2.7 |
| 1997 | 1,239 | 47 | 3.8 |

Source: Office of General Affairs, Annual Report of the Office of General Affairs, 1997.

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117. Pursuant to the November 1997 amendment to Korea's Nationality Act aimed at eliminating gender discriminatory elements therein, however, the Government is now in a position to withdraw its reservation on the Article 9 via due process. The crux of the amendment was to allow both the male and female lines of kinship as validation for granting Korean citizenship.

118. Prior to the amendment, citizenship was recognized for children whose fathers or grandfathers were Koreans. Under the amended Act, children of either men or women with Korean citizenship are recognized as Koreans. Essentially, a child must have either a Korean father or a Korean mother in order to be granted Korean citizenship. The tradition of recognizing only the paternal line of kinship is no longer applicable.

119. In addition, the amended Act removed those elements which infringe upon women's equal rights to acquiring Korean citizenship as well as widened options for minors to either acquire or choose their own nationality. The same gender-equal principle was designed to apply to foreigners interested in acquiring Korean citizenship.

## ARTICLE 10

### Constitutional Provisions on Education and the Education Act

120. The Constitution as well as the Education Act guarantee equal access to education regardless of one's gender. Article 31 of the Constitution and Article 3 (learning right) and 4 (equal access to education) of the Basic Education Act clearly states that all citizens have equal rights to education based on their abilities and aptitude and should not be discriminated against based on their gender.

## Equal Access to Education

121. Article 31, Clause 2 of the Constitution and Article 8 of the Basic Education Act stipulates six years of primary education and three years of junior high school as universal compulsory education. By 1997, elementary school education was free of charge while junior high school education was free at counties and islands as well as in remote areas. The scope of free middle school education is being extended to the rest of the country. Furthermore, under the Child Care Act, amended in November 1997, pre-school children are entitled to free care and training for one year prior to entering elementary school. The costs entailed are to be absorbed jointly by state and local governments.

122. In 1995, the average years of education among Koreans was 9.37 for women and 11.18 for men. Thus, the average education for men is 1.83 years longer than that of women. These figures in 1990 represented 0.68 years more for females and 0.54 year more for males, indicating a slight narrowing of the gender-gap during the five-year period.

123. The overall trend in population composition by educational attainment has leaned toward the lower education strata, vis-a-vis elementary and middle school graduates, to decrease in proportion, while the upper education strata, vis-a-vis high school and college/university graduates, to increase. By gender, however, the female ratio was greater than that of males among the lower education strata while the opposite was true among the higher strata. Female ratios among the high school and college/university graduates were 28.4% and 8.3%, respectively, in 1990, and 34.8% and 13.1%, respectively, in 1995, indicating a narrowing of the gender gap over the five-year period. (Table 13)

(Table 13) Population Composition by the Level of Educational Attainment
(Among the population aged 25 years or more)

(Unit: %)

| Year | | Below Primary Grad | Mid Schl Grad | High Schl Grad | Above Coll/Univ |
|---|---|---|---|---|---|
| 1990 | F | 43.0 | 20.3 | 28.4 | 8.3 |
| | M | 23.3 | 17.6 | 38.9 | 20.1 |
| 1995 | F | 35.0 | 17.1 | 34.8 | 13.1 |
| | M | 17.8 | 14.2 | 41.4 | 26.6 |

Source: National Statistical Office, Social Indicators of Korea, 1997.

124. The kindergarten enrollment ratio of girls was 31.4% in 1990 and 40.3% in 1997, reflecting a sharper increase than that of boys. Under the amended Child Care Act, which provides cost-free child care for one year prior to elementary school, kindergarten enrollment is likely to increase drastically in the years immediately ahead. At the primary school level where cost-free compulsory education is in force, the enrollment ratios for girls and boys are almost identical, at 98.9% for the former and 98.4% for the latter. As for the middle school level where cost-free and compulsory education is partially in force at present, the enrollment was 100% or more for both sexes. A similar trend emerged at the high school level as well, where the female enrollment ratio was 94.3% and that of males was 95.0% in 1997. The female enrollment rate for college/university rose from 24.0% in 1990 to 50.9% in 1997 but still lagged considerably behind males (50.0% to 85.7%). The ratio of female students stands at 50% of males. (Table 14)

(Table 14) Enrollment Ratios by the Level of School and Gender

(Unit: %)

| Year | Kindergarten | | PrimarySchool | | Middle School | | High School | | College/Univ | |
|---|---|---|---|---|---|---|---|---|---|---|
| | F | M | F | M | F | M | F | M | F | M |
| 1990 | 31.4 | 31.8 | 102.2 | 101.3 | 98.5 | 97.9 | 85.4 | 90.5 | 24.0 | 50.5 |
| 1995 | 39.9 | 40.0 | 100.3 | 99.9 | 101.8 | 101.4 | 91.3 | 92.4 | 38.9 | 70.3 |
| 1997 | 40.3 | 39.6 | 98.9 | 98.4 | 101.3 | 100.8 | 94.3 | 95.0 | 50.9 | 85.7 |

Note: "College/Univ" includes two year technical and teachers colleges as well as four year universities.
Enrollment Ratio = (Number of students/Age of Enrollment Population) × 100
Age of Enrollment Population : Kindergarten 4-5 years old, Primary School 6-11 years old,
Middle School 12-14 years old, High School 15-17 years old,
College 18-21 years old

Source: Ministry of Statistics, 「Future Population Estimate」 1990, 1995, 1997
「Total Residence Population Survey」 1990, 1995, 1997
Ministry of Education, 「Education Statistics Annual」 1990, 1995, 1997.

125. The current advancement rate from primary to middle levels is nearly 100% for both girls and boys. As for advancement from high school to college/university, the female ratio is 57.7%, while the ratio for men is 62.4%. Thus, women's access to higher education has expanded dramatically. The overall advancement rate to higher education is 81.4%, female students' advancement rate is 83.5% which is higher than that of male students. On the other hand, female students' advancement rate to higher education from commercial high schools is 25.9% (the ovarial rate is 29.2%) while that of male is 33.0%. (Table 15)

(Table 15) Advance Rates to Higher School Levels

(Unit: %)

| Year | Primary to Middle Schl | | Middle to High Schl | | High Schl to Coll/Univ | |
|---|---|---|---|---|---|---|
| | F | M | F | M | F | M |
| 1990 | 99.8 | 99.8 | 95.0 | 96.3 | 32.4 | 33.9 |
| 1995 | 99.9 | 99.9 | 98.4 | 98.6 | 49.8 | 52.8 |
| 1997 | 99.9 | 99.9 | 99.4 | 99.4 | 57.7 | 62.4 |

Note 1: "Coll/Univ" includes two year technical and teachers colleges as well as the four year colleges/universities.

Note 2: Advance rate = (Number advancing to next level from graduates of a given year/Number of total graduates of the given year) × 100.

Source: Ministry of Education, 「Education Statistics Annual」 1990, 1995, 1997.

126. Opportunities for women to enter government officials' training institutions have been greatly expanded, as discussed under Article 2. (d).

## Access to a Wider Range of Field of Study and Training Opportunities

127. As of 1997, the comparative student attendance ratios between "general" and technical/ vocational high schools were 56.2% : 43.8% for girls and 61.4% : 38.6% for boys, showing a higher male ratio for the "general" high schools that are, in fact, largely preparatory for universities. The study areas of girls at technical/vocational high schools fell to 26.0% in the commerce stream and 3.2% in the industry stream, which represented a marginal increase over the 1985 distributions of 28.4% for the former and 0.1% for the latter. These figures were remarkable for their stark comparison to corresponding male distributions at those schools that, in 1997, registered 5.9% for commerce and 23.4% for industry. To counter this "girls in commerce; boys in industry" trend that prevails in the country, the Government established ten technical or industry-oriented high schools for girls, beginning with the Mirim Computer High School in 1991. In addition, between 1995-1997, four commercial girls' high schools with 21 classes were converted into industrial/technical schools and, by opening industrial/ technical high schools for girls, as well as for boys, the proportion of girls entering the latter schools is expected to rise sharply in the coming years. This trend is reinforced by the fact that, between 1995 and 1997, the number of girls attending industrial/technical high schools rose from 32,367 at 92 schools to 43,403 at 98 schools, marking a 34% rise. (Table 16)

(Table 16) High School Student Distribution by Streams of Study

(Unit: Persons, %)

| Year | Gender | Total | General | Technical/Vocational | | | |
|---|---|---|---|---|---|---|---|
| | | | | Agriculture | Industry | Commerce | Other |
| 1990 | F | 1,073,179(100.0) | 60.1 | 0.5 | 0.3 | 27.5 | 11.6 |
| | M | 1,210,627(100.0) | 68.4 | 2.9 | 15.6 | 6.3 | 6.8 |
| 1995 | F | 1,038,596(100.0) | 53.7 | 0.7 | 2.4 | 27.7 | 15.5 |
| | M | 1,119,284(100.0) | 61.5 | 1.3 | 22.2 | 6.1 | 8.9 |
| 1997 | F | 1,128,098(100.0) | 56.2 | 0.7 | 3.2 | 26.0 | 13.9 |
| | M | 1,208,627(100.0) | 61.4 | 1.2 | 23.4 | 5.9 | 8.1 |

Source: Ministry of Education, Education Statistics Annual, 1990,1995,1997.

128. At 15 science high schools, the first of which was established in 1983 to provide special education for youths with high scientific potential, there were 1,028 girls in 1997, accounting for 26.7% of the total number of youths in attendance. This also represents an increase of more than 10% over 1990's 16.1%, and in absolute numbers, nearly ten times the 120 girls attending such schools in 1990.

129. Technical or teachers colleges and other junior colleges play a significant role in training young women in diverse occupational fields. According to the 1997 distribution of women in such colleges by field of studies, 6.5% were in humanities, 26.5% in social science, 27.8% in natural science, 16.8% in medicine, 14.8% in arts and sports, and 7.5% in education, showing a decline in such traditionally female fields as humanities and education on the one hand and significant representations in the scientific fields on the other.

130. Similar trends were found at the four-year college/university level: majors in social and natural sciences have been on the increase while those in humanities and education have been falling. Here, however, those entering medicine and pharmacology declined although these are preeminently scientific. This is in part due to intense competition in those fields. In line with national efforts to train capable female scientists, Korea's first engineering college for women was established in 1996 at Ewha Women's University in Seoul, offering majors in electronics, architecture, environmental engineering, etc. within a framework of four departments. Beginning the 1997 academic year with 260 women, 4,150 of the total 7,175 additional students admitted to university will major in electronics, computer science, industrial design, etc. Overall, 22.5% of all young women entering Korea's eight women's universities this academic year, or 3,250 of the total 14,440, will be majoring in science and technology. (Table 17)

(Table17) Distribution of Female College/University Students by Major Fields

(Unit:%)

| Category | 1985 | | 1990 | | 1995 | | 1997 | |
|---|---|---|---|---|---|---|---|---|
| | Junior Coll. | Univ | Junior Coll. | Univ | Junior Coll | Univ | Junior Coll | Univ |
| Humanities | 2.4 | 25.6 | 4.6 | 24.5 | 6.4 | 22.9 | 6.5 | 22.3 |
| Soc Sci | 17.7 | 14.6 | 21.6 | 17.2 | 26.4 | 20.7 | 26.5 | 23.3 |
| Nat Sci | 24.3 | 19.9 | 25.3 | 27.0 | 27.0 | 28.6 | 27.8 | 28.8 |
| Med/Pharma | 26.1 | 5.2 | 21.8 | 4.8 | 16.7 | 4.6 | 16.8 | 4.5 |
| Arts/Sports | 12.8 | 13.2 | 15.2 | 13.2 | 15.6 | 12.5 | 14.8 | 12.1 |
| Education | 16.6 | 21.5 | 11.6 | 13.2 | 7.8 | 10.8 | 7.5 | 8.9 |
| Total | 87123 (100.0) | 25008 (100.0) | 119345 (100.0) | 296129 (100.0) | 214310 (100.0) | 378418 (100.0) | 277658 (100.0) | 463739 (100.0) |

Note: "University" means four year universities.

Source: Ministry of Education, Education Statistics Annual, 1985, 1990, 1995, 1997.

131. Job training opportunities for women are discussed under Article 11.

## Education Outcomes

132. In Korea, junior high and high school completion rates are close to 100% for both girls and boys. As of 1996, 98.2% of the girls and 97.4% of the boys enrolled at junior high schools graduated and 95.8% of the girls and 93.2% of the boys did so from high schools. These figures have remained more or less unchanged since 1992 perhaps because the upper-most completion margin may have been already reached. In this overall context, girls' completion rates have consistently been slightly higher than that of boys. In terms of colleges and universities, female completion rates fell from 94.2% in 1990 to 90.8% in 1996, but nevertheless remained higher than that of males. (Table 18)

(Table 18) Completion Rates by the Levels of Schools (Unit: %)

| Year | Middle School | | High School | | University | |
|---|---|---|---|---|---|---|
| | M | F | M | F | M | F |
| 1980 | 89.8 | 98.4 | 90.4 | 98.4 | 90.4 | 98.4 |
| 1985 | 93.6 | 100.0 | 89.3 | 94.7 | 89.3 | 94.7 |
| 1990 | 97.7 | 97.3 | 92.0 | 96.0 | 71.2 | 94.2 |
| 1996 | 97.4 | 98.2 | 93.2 | 95.8 | 75.4 | 90.8 |

Note: "University" includes junior colleges and teachers colleges as well as the four year colleges/universities.
Source: Ministry of Education, Education Statistics Annual, 1980,1985, 1990, 1996.

133. Among bachelor's, master's and doctoral degrees holders, the proportion of women were 37.0%, 23.8% and 13.3% respectively in 1990, and 40.6%, 30.3% and 18.6% in 1997, registering considerable increases for all the three categories. In terms of bachelor's degree holders, the proportion of women has been more than 40% since 1995. (Table 19)

(Table 19) Number of Degree Holders and the Female Ratio

(Unit: Persons, %)

| Year | Bachelor | | Master | | Doctoral | |
|---|---|---|---|---|---|---|
| | Total | Fem. Ratio | Total | Fem. Ratio | Total | Fem. Ratio |
| 1995 | 180,664 | 41.4 | 27,398 | 28.4 | 4,107 | 16.9 |
| 1997 | 192,465 | 40.6 | 30,355 | 30.3 | 4,792 | 18.6 |

Source : Ministry of Education, Education Statistics Annual, 1995, 1997.

134. Among all high school graduates in 1997, 68.4% of the boys and 76.3% of the girls found employment. Compared to the job placement rates of 1990 graduates, these figures represented a marked increase, especially for the boys whose placement rates have been consistently lower than those of girls.

135. As regards college/university and graduate school graduates, males still have wider access to employment, although gender discrepancy has been narrowing in this respect. More specifically, of the junior college graduates in 1990, 68.2% of women and 78.6% of men had found employment whereas, in 1997, 74.4% of the former and 77.1% of the latter did so. For university graduates, placement rates were 39.7% for women and 65.1% for men in 1990, and 52.5% for women and 68.7% for men in 1997.

As for those who completed graduate studies, 62.0% of women and 85.7% of men found employment in 1990, and 75.4% of women and 92.4% of men in 1997, respectively, registering a fairly high level of placement for both, but primarily for men. (Table 20)

(Table 20) Degree Holders' Graduate Job Placement Rates, by the Levels of Schools (Unit: %)

| Year | | High School | Junior College | University | Graduate Schl |
|---|---|---|---|---|---|
| 1990 | F | 60.2 | 68.2 | 39.7 | 62.0 |
| | M | 42.6 | 78.6 | 65.1 | 85.7 |
| 1995 | F | 74.3 | 70.9 | 50.0 | 69.2 |
| | M | 64.3 | 79.3 | 69.2 | 91.5 |
| 1997 | F | 76.3 | 74.4 | 52.5 | 74.5 |
| | M | 68.4 | 77.1 | 68.7 | 92.4 |

Note: "University" includes four year colleges and universities only.
Source: Ministry of Education, Education Statistics Annual, 1990, 1995, 1997.

## Curricula and Examinations

136. In form and substance, primary school curriculums are entirely genderless. The same was true for the middle school curricula but did not in that, in the selection of optional "practice" courses such as "family-skills", girls tended to choose "family" and boys to choose "skills", in a clear gender-differential choice of paths. In the 6th revised curricula that went into effect in 1995, therefore, the "family · skills" course was divided into two independent courses of "skills-industry" and "family" and required all students to take both courses, eliminating the gender-differential element from the curriculum structure.

At the high school level, gender-differential elements still remain in the "practical" part of the curricula. These issues, however, will be dealt with in the 7th revised curricula which will come in effect 2002. The new curricula should reintegrate the two separate "practice" courses into a single course entitled "skills-family" and make it part of the basic mandatory courses. Girls and boys alike, therefore, "must" take the "skills" as well as the "family" elements of the re-integrated course at the junior high and high school levels. Moreover, such elective courses as agro-science, industrial skills, business management, marine science, home science, information age and computer will become open to all students without regard to gender, eliminating all discriminatory aspects from the curriculum structure and content.

## Ratio of Female Teachers

137. The number and proportion of female teachers have been increasing at all levels of schools, but especially at the primary and secondary levels. The ratios of female teachers at the primary and secondary school levels rose from 50.1%, 46.5% and 22.1% respectively in 1990 to 58.7%, 51.8% and 30.5% respectively in 1997. However, female ratios among school principals and headmasters have consistently been lower than the overall female teacher ratios. Specifically, the female proportions among the primary, middle and high school principals stood at 2.5%, 6.3% and 4.0% respectively in 1990, to change to 4.2%, 6.8% and 4.3% in 1997. In terms of headmasters, female proportions were 4.4%, 5.6% and 1.5% respectively at the three levels of schools in 1990 and 7.2%, 6.7% and 1.5% respectively in 1997, showing a small increase. (Table 21)

(Table 21) Number and Proportion of Female Teachers, by School Levels and Position

(Unit: Persons, %)

| Year | Level of School | Principal | Head Master | Master Teachers | Teachers | Total |
|---|---|---|---|---|---|---|
| 1990 | Primary | 159( 2.5) | 311( 4.4) | 5,672(19.4) | 62,001(66.3) | 68,604(50.1) |
| | Middle | 136( 6.3) | 139( 5.6) | 2,649(17.2) | 37,991(55.4) | 41,718(46.5) |
| | High | 64( 4.0) | 27( 1.5) | 829( 5.4) | 20,045(27.3) | 21,229(22.1) |
| 1995 | Primary | 222( 3.9) | 427( 6.6) | 7,716(29.0) | 67,061(68.5) | 76,995(55.6) |
| | Middle | 181(7.6) | 165( 6.1) | 4,092(23.4) | 43,407(57.7) | 49,778(48.8) |
| | High | 66( 3.7) | 36( 1.8) | 1,313( 7.4) | 21,772(28.3) | 23,660(22.2) |
| 1997 | Primary | 260( 4.6) | 460( 7.2) | 8,807(32.7) | 71,862(72.1) | 81,389(58.7) |
| | Middle | 165( 6.8) | 182( 6.7) | 4,870(26.7) | 45,471(61.0) | 50,688(51.8) |
| | High | 79( 4.3) | 31( 1.5) | 1,719( 8.8) | 24,763(28.5) | 24,592(30.5) |

Source: KWDI, Annual Statistics on Women, 1996.
Ministry of Education, Education Statistics Annual, 1990, 1995, 1997.

138. As of 1996, the female ratio among all faculty members of higher learning institutions, including junior colleges, regular colleges and universities and graduate schools, registered 14.3%. Among female faculty members, 18.9% were full-time instructors, 15.5% assistant professors, 11.8% associate professors, 11.9% professors and 7.6% presidents of colleges and universities.These ratios showed no significant change from the corresponding figures of 1990, which were 20.1%, 16.0%, 13.9%, 8.9% and 8.1%, respectively.

## Co-Education

139. Primary education has been co-educational since it became compulsory. The rate of co-educational middle schools has rapidly increased, and reached 58.4% in 1997. At the high school level, co-educational schools account for 46.1%. As for colleges and universities, with many formerly women's institutions opting for co-education, 92.7% of those were co-educational in 1997, as compared to 1990's 85.5%. (Table 22)

(Table 22) Rate of Co-education by the Levels of Schools

(Unit: No. of schools, %)

| Year | Middle School | | | High School | | | University | | |
|---|---|---|---|---|---|---|---|---|---|
| | Co-ed | Women's | Men's | Co-ed | Women's | Men's | Co-ed | Women's | Men's |
| 1990 | 1,343 | 535 | 596 | 651 | 490 | 542 | 190 | 31 | 3 |
| | (54.3) | (21.6) | (24.1) | (38.7) | (29.1) | (32,2) | (84.8) | (13.8) | ( 1.3) |
| 1995 | 1,536 | 548 | 599 | 814 | 505 | 511 | 259 | 25 | 1 |
| | (57.2) | (20.4) | (22.3) | (44.5) | (27.6) | (27.9) | (90.9) | ( 8.8) | ( 0.3) |
| 1997 | 1,588 | 541 | 591 | 872 | 514 | 506 | 293 | 21 | 2 |
| | (58.4) | (19.9) | (21.7) | (46.1) | (27.2) | (26.7) | (92.7) | ( 6.7) | (0.6) |

Note: "University" includes junior colleges and education universities.
Source: Ministry of Education, op. cit.

## Text Books and Curricula

140. Biases still remain in gender roles depicted in text books and other teaching materials. Hence, a guideline for preparing such materials was developed and has been in use. A standard for monitoring and reviewing such materials was also insitituted. The KWDI is now engaged in analyzing the gender role representations in the texts, illustrations, photographs and other types of images in the text books that have been based on the 6th Revised Curricula outline. Once completed, the study will elucidate the extent to which progress has been made toward bias-free teaching materials.

## Sex Education and Career Guidance

141. To further promote junior high and high school youths' wareness and understanding of sex issues, the Ministry of Education has strengthened sex education components in the 6th Revised Curricula and developed and distributed level-specific guidance materials.

The Seoul City Office of Education, for its part, has prepared a text book for sex education and distributed it to all junior high schools in 1997, as well as appointed teachers to specialize in such education. Similar text books for high school use are nearing completion as well. These steps are intended to render sex education at the junior high and high school levels systematic, and the designation of a number of experimental schools for testing the efficacy of these measures are likely to set the future direction of sex education. Organizations outside the school system, such as the Korean Federation of Family Planning, KWDI, etc. are also active in training teachers to engage in sex education and providing guidance to primary and secondary school principals, student guidance teachers, etc. regarding the problem of sex violence and its prevention.

142. Recognizing the necessity for early guidance of young girls away from the gender-fixed notion of career options, the Ministry of Education has endeavored to develop and distribute career guidance programmes and materials to primary and middle schools, as well as to the broadcast media, particularly the educational television system and the EduNet.

## Gender-Equality Awareness Training

143. Under Articles 19 and 20 of the Basic Law for the Advancement of Women, the Government, has provided guidelines for incorporating gender consciousness-raising components in all training programmes for teachers, vis-a-vis qualifying training, general training, in-service training in 1993. As a result, a total of 13,965 teachers and education administrators underwent such training in 1993, and that number increased to 23,635 in 1994 and to 24,287 in 1996. Similar training was carried out more intensively by KWDI for primary and middle school teachers, heads of pre-school education establishments and educational experts. The total number trained since 1984 is 1,094.

144. There being no gender-differential data on scholarship recipients at the junior high and high school levels, it is not possible to provide a female ratio of these. In the case of higher education institutions, the general trend has been for the number of tuition exempted students to decrease and the recipients of scholarships to increase. In 1990, the female ratio of scholarship recipients was 6.2% while that of males 4.8%, and that among tuition-exempted students was 5.8% as compared to 4.6%, indicating that a somewhat larger proportion of female students either received scholarships or were exempted from paying tuition than male students.

The trend continued in 1996 when 7.4% of women and 4.6% of men were awarded scholarships and 4.1% of women and 3.3% of men were exempted from paying tuition. At the graduate school level, however, a larger proportion of men received scholarships while slightly larger proportions of women were exempted from tuition. (Table 23)

(Table 23) Scholarship and Tuition Exemption Rations by Gender

(Unit: %)

| Year | Type of Education Subsidy | University | | | Graduate School | | |
|---|---|---|---|---|---|---|---|
| | | Females/ Total No. of Students | F | M | Females/ Total No. of Students | F | M |
| 1990 | Scholarships | 36.7 | 6.2 | 4.8 | 17.6 | 3.6 | 4.9 |
| | Tuition Exempt | 41.1 | 5.8 | 4.6 | 20.3 | 8.4 | 5.8 |
| 1996 | Scholarships | 46.9 | 7.4 | 4.6 | 25.5 | 4.3 | 5.1 |
| | Tuition Exempt | 45.2 | 4.1 | 3.3 | 27.5 | 5.9 | 5.4 |

Note: "University" includes junior colleges and teachers universities.

Source: Ministry of Education, Op. cit.

145. The Education Act enacted in 1949 stipulated compulsory education for primary school, commencing 1 June, 1950. The seventh constitutional amendment extended compulsory education to the junior high school level. Because compulsory education for junior high school requires substantial public funding, it is being slowly expanded from islands and remote areas ('86) to military bases ('92). Also, the primary school enrollment rate for female students stands at 100%. In 1997, 99.9% of primary school graduates enrolled in junior high school. Due to a national passion for education, illiteracy has been all but eliminated in Korea. However, in order to enhance sentence comprehension capabilities more effective, various measures are necessary. This includes raising the sense of duty in teachers, reducing class sizes, developing teaching and study methods, introducing educational engineering, and improving other academic assessments. Thus, gender discrimination in educational opportunities does not exist in Korea; there is no discrepency in the literacy rate between men and women.

146. Numerous continuing education programmes for adults exist in Korea and the most typical of those are the Open University and the University on Air. Female participation ratios at such institutions have been steadily increasing. The female ratio for the University on Air, for example, was 57.2% in 1997 and that for the Open University was 21.9%, showing a nearly 6% rise since 1990.

In 1997, the female ratio among those who applied for the comprehensive examination designed to award bachelor's degrees to qualified "self-study scholars" and to certify them to move onto the next level of study, such as at the graduate level was 51.9% of the total applicants and 52.9% of the women who took the examination and passed them successfully. The pass rate for women is 40.4% and that for men is 38.9%.

147. Social education, a wide-spread form of adult education in Korea, is an excellent medium for reducing gender disparities in many areas. Women are receiving diverse occupational and skills trainings through those programmes and developing leisure, hobby or cultural oriented interests and proficiency. For those without access to formal education, social education also provides officially recognizable equivalency education. To provide women from low-income backgrounds with training in small business management and job skills, as well as to provide cultural programmes, the Government, since the 1960s, has established a large number of Women's Centers and Women's Welfare Centers throughout the country. These numbered 35 in 1985, 38 in 1990 and 61 in 1996. Also, KWDI, social education institutes of various universities, cultural centers and non-governmental women's organizations, etc. actively engage in continuing education for women. As of December 1997, there were 156 university affiliated social educational institutes offering over 960 different courses and, in June 1997, 177 cultural centers were offering diverse leisure and culture oriented courses to mostly housewives. As for women's organizations, in 1994, well over 4,000 of them, including 62 of those registered, were running adult education programmes aimed at promoting women's rights and improving their abilities. Also, in 1997, there were 58,134 private institutes offering social education to 3,537,673 persons and the female ratio was 50.4%.

148. Junior high school student drop-out rates were 1.01% for girls and 1.04% for boys in 1996, showing no significant difference. At the high school level, however, a considerably larger number of boys had dropped out. Rather than economic reasons, a weakening of family functions, college preparation centered education, and a flourishing desire for popular culture all have played a role in voluntary drop outs. Cognizant of the tendency for drop outs to become involved in anti-social or criminal acts, the Government is increasing the number of "alternative schools" and moving towards linking formal education with aspects of mass culture that appeal to youths through the establishment of "specialized high schools" such as popular music schools and animation schools and, thus, encourage their return to school to be trained in their respective areas of interest. Girls and boys will have equal access to these opportunities.

149. Article 11 discusses opportunities for girls and women who have not completed their formal education to receive vocational training and formal education.

150. Sports and physical education has been a traditionally male-oriented area, but there is no formal restriction to women's participation within the official education system. According to available statistics, female ratios at sports junior high schools and sports high schools were 27.9% and 19.5% respectively in 1990, and 29.7% and 28.7% respectively in 1997, showing a trend toward a modest increase. In terms of the female ratio among sports and/or physical education majors at four year colleges and universities, it was 29.5% in 1990 and the same for 1997.

151. The September 1995 passage of the Promotion of People's Health Act has laid the groundwork for a more effective pursuit of health education. In line with efforts to that end, the Government has prepared and distributed a variety of audio-visual education/information materials on family planning, AIDS, diseases associated with aging, etc. to a large number of health education agencies, business/industrial establishments and all levels of schools. It also continues to inform and provide guidence to the public at large on basic health rules and practices through the mass media. Further, many lectures on health subjects are available for women through the nation-wide network of public health clinics, women's centers, and social education facilities.

152. Since 1962, as a result of a nation-wide family planning programme, Korea's population growth rate fell from 3.0%in 1960 to 1.01% in 1995. Owing to sustained family planning education and information activities carried out over the past decades, people's attitudes to and methods of contraception have undergone changes toward a more sophisticated and socially acceptable direction. For example, of the 1995 cases of contraceptive surgeries, the male representation ratio was 72.8% while the female representation was only 27.2%, indicating 3/4th of all contraceptive surgeries to have been for men rather than women. Given the more serious side effects that women suffer from the use of temporary devices, this shift in trend, from the female to male responsibility, is highly desirable.

## ARTICLE 11

153. Article 32, Clauses 1 and 2 of the Korean Constitution stipulate that all citizens shall have both the rights and obligations for work, and Clause 4 of the same Article provides for special protection of women and minors.

These Constitutional tenets have found specific articulation in the Basic Law for the Advancement of Women and the Equal Employment Act (EEA). Details of these provisions are under the Article 2 (b).

**154**. On 9 December 1991, the Republic of Korea became a member of the International Labour Organization (ILO), the only UN agency of which Korea was not a member. In June 1996, Korea was elected to its governing board and has been actively participating and contributing to its work. Subsequent to Korea's entry into this Organization, the Government has sought to protect the rights of Korean workers and to expand its scope of cooperation with international agencies in this field.

## Economically Active Female Population

155. The transition of Korean business/industries toward a high-tech footing, continued growth orientation of its economy and women's increasing interest in socio-economic participation combine to boost the size of Korea's economically active female population to 8,568,000 persons in 1996, a 1,059,000 person increase over the 1990 figure. In terms of their economic activity participation rate however, no significant progress has been made: the 1996 figure standing at 48.7% as compared to 1990's 47.0%. (Table 24) Given the low participation rate among the 25-34 age group, the three major age categories of women in economic activity form the now familiar "M" on the distribution curve and signify a serious disruption in women's working life due to marriage, child-bearing and care, etc. (Table 25) Since such interruptions hinders their growth in occupational expertise and maturity as well as obstructs employment stability, leading to loss of competitiveness and wage income, the Government has been pursuing policy measures that will enable women to combine their duel roles without undue constraints.

(Table 24) Economically Active Population and Participation Rate (Unit: 1,000 persons, %)

| Year | Economically Active Population | | Economic Participation Rate | |
|---|---|---|---|---|
| | M | F | M | F |
| 1990 | 11,030 | 7,509 | 74.0 | 47.0 |
| 1996 | 12,620 | 8,568 | 76.1 | 48.7 |

Source: National Statistical Office, Economically Active Population Annual, 1986, 1997.

(Table 25) Economically Active Female Population and Participation Rate, by Age Group

(Unit: 1,000 persons, %)

| Category | 1990 | | 1996 | |
|---|---|---|---|---|
| | Economically Active Female Population | Economic Participation Rate | Economically Active Female Population | Economic Participation Rate |
| Total | 7,509 | 47.0 | 8568 | 48.7 |
| 15-19Yrs | 392 | 18.7 | 258 | 13.6 |
| 20-24 | 1,255 | 64.6 | 1324 | 66.0 |
| 25-29 | 836 | 42.5 | 1023 | 51.1 |
| 30-34 | 933 | 49.6 | 964 | 49.1 |
| 35-39 | 841 | 58.0 | 1182 | 60.1 |
| 40-44 | 808. | 60.7 | 1035 | 65.6 |
| 45-49 | 729 | 63.9 | 787 | 62.2 |
| 50-54 | 656 | 60.0 | 628 | 57.2 |
| 55-59 | 481 | 54.4 | 651 | 57.3 |
| 60 plus | 578 | 26.5 | 806 | 29.2 |

Source: Op. cit., 1991. 1997

## Female Employees

156. Along with an increase in the economically active population, the number of employed women has also increased from the 1991 figure of 7.34 million to 8.43 million persons in 1996, registering a 12.3% gain. The female ratio among the total number of employes was 40.6% in 1996.

## Female Employees by Industrial Sectors

157. As of 1996, the distribution of female employees by industrial sector was: approximately 5.57 million or 66.1% in the social overhead and service sector; 1.72 million or 20.4% in mining and manufacturing; and 1.14 million or 13.5% in agriculture, forestry and fisheries. This pattern of distribution represents a marked shift in women's sectoral affiliation from the primary and secondary to the tertiary. Specifically, between 1990 and 1996, the primary and secondary sectors lost 474,000 and 363,000 female employees respectively while the tertiary sector gained nearly 1.78 million female employees.
(Table 26)

(Table 26) Employees by Industrial Sector

(Unit: 1,000 persons, %)

| Industry | | 1990 | 1996 |
|---|---|---|---|
| Primary | Sub-total | 3,237(17.9) | 2,405(11.6) |
| | Male | 1,742(16.3) | 1,264(10.3) |
| | Female | 1,495(20.3) | 1,141(13.5) |
| Secondary | Sub-total | 4,990(27.6) | 4,701(22.6) |
| | Male | 2,909(27.2) | 2,983(24.2) |
| | Female | 2,081(28.2) | 1,718(20.4) |
| Tertiary | Sub-total | 9,857(54.5) | 13,657(65.8) |
| | Male | 6,057(56.6) | 8,083(65.6) |
| | Female | 3,800(51.5) | 5,575(66.1) |
| Total | Total | 18,085(100.0) | 20,764(100.0) |
| | Male | 10,709(100.0) | 12,330(100.0) |
| | Female | 7,376(100.0) | 8,434(100.0) |

Note: In ( ) are the employee ratios.

Source: Economic Planning Board, Economically Active Population Annual, 1986; National Statistical Office, Op. cit., 1997.

## Female Employees by Occupational Categories

158. In 1996, approximately 2.8 million women or 33.1% of all female employees were engaged in service-oriented occupations, followed by 2.25 million or 26.7% in manufacturing and other production oriented occupations, 1.32 million or 15.7% in clerical work, 1.07 million or 12.7% in agriculture/ forestry/fisheries, 969 thousand or 11.5% in expert or high-skill occupations, and 25 thousand or 0.3% in legislative and governance work. With respect to legislative/governance and experts and highly-skilled employees, the 1985 figures of 0.28% and 10.9% increased to 0.3% and 11.5% respectively in 1996. (Table 27)

(Table 27) Female Employees by Occupational Category

(Table:1,000persons,%

| Occupational Category | 1993 | 1995 | 1996 |
|---|---|---|---|
| Legislative/Governance | 32(0.4) | 23(0.3) | 25(0.3) |
| Expert/High-Skill | 823(10.6) | 896(10.9) | 969(11.5) |
| Clerical | 1,123(14.5) | 1,277(15.5) | 1,323(15.7) |
| Service | 2,278(29.5) | 2,631(32.0) | 2,791(33.1) |
| Agri/Forest/Fishery | 1,132(14.6) | 1,110(13.5) | 1,073(12.7) |
| Technical/Assembly | 1,273(16.5) | 1,096(13.3) | 1,069(12.6) |
| Labourer | 1,078(13.9) | 1,191(14.5) | 1,184(14.1) |
| Total | 7,739(100.0) | 8,224(100.0) | 8,434(100.0) |

Source: Economic Planning Board, Op. cit. 1986., National Statistical Office, 1997.

## Support of Women's Employment

159. In order to promote women's entry into employment and to support those employed, the Government has formulated and implemented two successive basic plans for the welfare of working women. The policy tasks emanating from the plans include the development of women's job capacities, support to ameliorate women's burden in carrying out their dual roles, and facilitating the goal of equal employment opportunities.

160. To encourage women's growth in occupational capabilities, the Government has been drastically expanding job training opportunities for them. There are three major categories of occupational training in effect in Korea according to the training host. Training under public or government sponsorship, training by and within business/industrial establishments, and training by officially recognized private institutions. In the first category, the state, local autonomous bodies, or certain public organs, such as the Korea Industrial Manpower Management Corporation, undertake responsibility, while in the second category, employers with more than the prescribed number of employees are required to provide training opportunities either independently or in a consortium with other employers. The last category of training is provided by officially registered legal bodies and individuals interested in training activities for either service or business purposes.

The number of female trainees by training host is as follows. (Table 28) The Government plans to expand the scope of its training activities for women by 30% until the year 2005.

(Table 28) Number of Trainees by Gender, Training Host

(Unit: 1,000 persons, %)

| Category | | 1990 | 1996 |
|---|---|---|---|
| Total | Total | 67,702(100.0) | 218,992 |
| | F | 10,526(15.5) | 34,077(15.6) |
| Public Sector | Total | 24,441(100.0) | 41,377 |
| | F | 1,668(6.8) | 5,174(12.1) |
| At Place or Work | Total | 25,690(100.0) | 151,303 |
| | F | 4,665(18.2) | 22,367(14.8) |
| Recogniz ed body | Total | 17,571(100.0) | 26,312 |
| | F | 4,193(23.7) | 6,536(24.8) |

Source: Ministry of Labour, Women and Employment, 1990, 1996.

161. To facilitate high-level skills training for women, the Government in 1991 established the Ansung Technical College for Women. A two-year junior college is dedicated to producing well-trained multi-function technicians, the college offers courses in machine design, micro-measurements, information technology, electronics design and operation, fashion design, jewelry crafts, etc. through six separate departments. Each department has approximately 40 women in training.

162. In 1993, the Government began establishing training facilities for married women having difficulty in accessing regular educational institutions to acquire high-level job skills. It did so at a rate of three facilities per year. By 1997, there were 17 such facilities. These establishments offer trainings such as computer technology and blue-print drafting that are well suited to more or less home-bound women; it takes six months to complete a full training course. In 1995, 4,188 women underwent training in 39 different job categories at the facilities. In addition, 38,698 women were assisted in finding employment, various social services were provided to 17,482 women in support of their employment, and social education was extended to 8,178 women.

163. As indicated elsewhere, working women with children less than one year old are entitled to take child care leave (Labour Standards Act Article 11). In a step to firmly establish the child-care leave (parental leave) system, the recently legislated Employment Insurance Act provides for 30 or more days of child care leave above and beyond the 60 day paid maternity leave at the time of childbirth.

Moreover, the Act awards promotional grants to employers who keep their female employees on payroll as insured persons for more than 30 days after the expiration of their maternity or child care leaves. These provisions under the Employment Insurance Act have been in effect for business/industrial concerns with 70 or more employees since July 1995. The disbursement of child-care leave promotion grants in the second half of 1995 was limited to 494 cases involving 57 million Won (US40,720), but the cumulative total by November 1996 stood at 4,058 cases involving 1,500 million Won (US 1,071,430), denoting an eight-fold increase in the number of relevant cases and an increase of 26 times in financial terms. Nevertheless, the progress made so far in establishing child-care leave as a standard practice for the employment of women is still far short of the desired target largely due to the financial burden resting with the employer. Consequently, in 1998, the Government plans to expand the coverage of the promotion grants to business/industrial establishments with 50 employees or more.

164. To encourage women to return to the workforce following marriage, child-birth, child care, etc., employers rehiring female employees within five years after their resignation have been awarded grants of up to one million Won (US 720) since 1997.

165. The Government has engaged in vigorous efforts to place women in jobs through 46 employment stabilization agencies and directly manages three "Human Resource Banks". The latter will be increased to 16 by 1998. In 1996, the number of women placed in jobs by both the public and private sector employment agencies totalled approximately 1.22 million.

166. Child care facilities in support of women in employment and women's socio/economic participation in general are under Article 11.2 (c).

**Measures for Gender Equality in Employment**

167. The Equal Employment Act, first legislated in December 1987 to realize gender equality in employment, underwent substantial amendments in 1995 to accelerate the process of women's economic participation and to improve working conditions. The details are presented in Article 2. (a).

168. During the 4-5 years subsequent to the legislation of the Act, the Government has engaged in intensive public information and educational activities with both employers and employees as the priority target and, from 1990 onward, equally intensive administrative guidance has been provided to ensure its appropriate implementation.

Also, in 1990, a large-scale review of personnel regulations and practices of private colleges/universities, hospitals, hotels, etc, were conducted to screen out gender discriminatory elements. In 1991, the practice of gender differential recruitment of high school graduates by banking establishments was abolished as it represented an important first step toward pervasive structural gender discrimination. Furthermore, in 1992, 169 enterprises, including both the primary and secondary financial institutions of the country, which had been selected as "special guidance" targets, and the 30 largest business/ industrial groups were subjected to governmental review of their personnel practices; corrective actions were carried out during the first half of 1993 to address concerns raised during the review process. These efforts continued and were expanded to cover lesser enterprises, i.e. establishments with 300 or more employees in 1994; those with 150 or more employees by 1996; those with 100 or more employees in 1997; and establishments with less than 100 employees in 1998.

169. The Seoul District Court set a new precedent in terms of legal action on the infringement of the EEA when, in May 1995, it imposed one million Won fines on all business/industrial concerns that published gender restrictive recruitment advertisements. The Act was amended subsequently to prohibit the application, in all aspects of the recruitment process, of not only gender restriction but other personal particulars unrelated to the performance of the work for which new employees are being sought, namely appearance, height, marital status, etc. Through this amendment, applicable fines were raised.

## Measures in Support of Female Entrepreneurs

170. To support women in economic activities, the Government established the Female Entrepreneurs' Day to be observed on the 6th of July every year. Rewarding exemplary entrepreneurs of both sexes for gender non-discrimination is part of a diverse range of observance intitiatives. Financial support from the Structural Reform Fund, worker securement assistance in the context of labour shortage (e.g. placement of extra foreign trainees), facilitation of market development, and other more indirect support measures have been implemented in recent years. In support of female entrepreneurs, a comprehensive master plan aimed at accelerating women's entrepreneurship, including, inter alia, the Basic Law for Women's Economic Participation and a tax exempt business fund, are presently being developed.

## Equal Pay for Equal Work

171. The Equal Employment Opportunity Act of 1989 stipulates in Article 6, Clause 2 that "An employer shall provide equal pay for equal value of work within the same enterprise.

The criteria for equal value work are the degrees of technique, effort and responsibility involved, working conditions and other related factors in the process of work." Thus the "equal pay for equal work" principle has become a matter of law. Korea's entry into the ILO Convention on Gender Equal Remuneration (No. 100) in 1997 further strengthened the legal basis for realizing the foregoing principle. Because Korea uses a tenure-based remuneration system, an equal pay for equal-tenure principle as well as an equal pay for equal work principle, are currently operational, at least in theory.

172. At the practical level, gender discrepancy in average remuneration is still under consideration despite steady progress made during the past decade. In 1995, the average monthly wage for women was 61.5% of men's showing 8.1% rise from 1990's. The factors associated with the persistence of gender-based wage differentials are differences in educational background, age and length of tenure. (Table 29)

(Table 29) Average Monthly Wage by Gender

(Unit: 1,000 Won)

| Category | 1990 | 1995 |
|---|---|---|
| Male Wage (A) | 727 | 1,361 |
| Female Wage(B) | 388 | 790 |
| (B)/(A) % | 53.4 | 58.0 |

Source: Ministry of Labour, Report on Wage Structure Baseline Survey, 1997.

## Paid Leave for Employees

173. Since the issue of paid-leave is entirely the employer's responsibility, they find the cost of maternity leaves to be a heavy burden. Employers therefore have tended to avoid these extra costs by not employing women. To address this problem, the Government is taking steps to socialize the cost of maternity leave via a tripartite social insurance scheme.

Type of Employee Leaves :

- Annual leave: 10 day basic leave with pay, one extra day to be added for each year of employment from the third consecutive year.
- Monthly leave: One day each month, 12 days per year, with pay.
- Sanitary leave (for women): One day per month, 12 days per year, with pay.
- Pre- and post-natal leaves (for women): 60 days, with pay.

## The Right to Social Security

174. Various social security measures are in force in Korea to provide its citizens with safeguards against the risks of aging, illness, accident and death.

175. Supplementing the foregoing was the 1995 Unemployment Insurance scheme, which, as an integral part of its function, provides parental leave promotion grants aimed at enabling the leave system to take root, which is discussed further in Article 4.

## Protection of and Support to Physically and Mentally Disabled Women

176. According to a 1995 survey of disabled persons by the Korea Institute for Health and Social Affairs, a research arm of the Ministry of Health and Welfare, 45.7% of Korea's disabled population, or more than 470 thousand persons, were female, representing 1.1% of the entire population. Compared to the disabilities of males, who mostly suffer afflictions of the arms and legs, those of females were due largely to aging and chronic illness, including aural and visual impairments.

177. To promote the employment of disabled persons, the Government legislated the Disabled Person Employment Promotion Act in January 1990. Based on this law, discrimination in the recruitment of disabled persons whose physical condition will have no bearing on job performance is prohibited and, to ensure substantive equality for disabled persons, requires state and local autonomous bodies to constitute more than 2% of new recruits with disabled persons. Further, it requires business/industrial establishments with more than 300 regular employees to constitute 2% of theirl employees with disabled persons. And finally, disabled persons are exempt from various taxations and have cost-free access to public utilities.

## Protection of and Support to Older Women

178. Owing to Korea's continued progress in the medical field, the proportion of the country's aged population in Korea has steadily increased. In 1995, the 65 plus age category constituted 5.7% of the total population or 2,657 thousand persons. Of those, 1,670 thousand were women or 62.9% of alll elderly persons. As it currently stands, social services for senior citizens do not correspond to their gender differential needs. This is because past social services strategies were geared to those in the lowest income stratum. Through the Basic Plan for the Implementation of Women's Policy, a variety of programmes for older women, including those to promote their health, is to be undertaken.

179. The Government legislated the Older People's Welfare Act in June 1981 aiming at sustaining their earning power through job placement based on the operation of older human resource banks and the establishment of communal workshops to engage older people in productive work commensurate with their abilities. In December 1991, this measure was augmented with the legislation of the Older People's Employment Promotion Act, which, inter alia, requires employers of more than 300 persons to constitute at least 3% of the workforce with older people. Also, beginning in 1997, the Old Age Assistance coverage was expanded to include those who are 65 years or older, rather than the previous 70 years or more. Through the 1997 amendment of the Older People's Welfare Act, persons aged 65 years and over, and belonging to the lower income bracket, will be beneficiaries of non-contributory pensions commencing July 1998.

## Protection of Working Women

180. In support of single women in the low income strata, the Government has constructed and is managing low-rent apartments throughout the country. By 1995, there were 8,335 such housing units in 83 different localities with a total occupancy of 24,000. Because the rent rate for these apartments is very low, they in fact carry an indirect income transfer function for the occupants. By providing single women with a comfortable and safe living environment, this provision also protects them from social and physical risks they might encounter if they were to reside in other low-rental areas.

181. Article 30, Clause 2 of the Labour Standards Act stipulates that female employees cannot be fired during leave and within 30 days subsequent to that leave period. The EEA, on its part, under the Article 8 and Clause 2, prohibits employers from entering into employment contracts that stipulate marriage and pregnancy as reasons to withdraw from employment, while Article 11, Clause 1 of the same Act requires the employer to grant child-care leave to parents with children younger than one year old. Further, Article 23 of the Act, by stipulating penalties for those employers in infringement of those provisions, helps to stabilize women's employment, while the Article 72 of the Labour Standards Act provides for 60 day pre- and post-natal leave with pay.

## Status of Day Care Facilities and Children in Day Care

182. Supporting the wholesome development of children and expanded social participation by women, the "Infant and Childcare Act" and the "Three Year Plan (1995-1997) for Child Care Facility Expansion" have been undergoing implementation.

As a result, the number of these facilities increased from 1,919 in 1990 to 15,375 in 1997, registering a 74.7% average growth rate per annum, and the number of children receiving care rose from 48,000 in 1990's to 403,000 in 1996, showing an average annual growth rate of 102.5%. By 1997, there were a total of 15,375 facilities providing care to 521,000 children. (Table 30)

(Table 30) Day Care Facilities by Sponsorship Type

(Unit: Facilities, Persons)

| Category | 1991년 | 1995 | 1997 |
|---|---|---|---|
| Public | 503 | 1,029 | 1,158 |
| | (37,017) | (78,831) | (89,002) |
| Private | 1,217 | 4,125 | 8,172 |
| | (36,099) | (170,142) | (358,245) |
| Workplace | 19 | 87 | 158 |
| | (712) | (2,388) | (5,245) |
| Home | 1,931 | 3,844 | 5,887 |
| | (15,613) | (42,116) | (68,467) |
| Total | 3,670 | 9,085 | 15,375 |
| | (89,441) | (293,747) | (520,959) |

Note: "Child Care Facilities" include only those that are either officially licensed by or registered with the Government.

Source: Ministry of Political Affairs (II), White Paper on Women, 1997.

## Support to Child Care Facilities

183. Government investments in support of child care facilities and services was 41.9 billion Won (US 29,9928,570) in 1991, 177.4 billion Won (US 126,928,580) in 1995, and 292.4 billion Won (US 208,857,150) in 1997, which meant an average annual growth rate of 28.5%. Also, between 1994 and 1997, a total of 750 billion Won (US 535,714,300) disbursed on loans for the construction and operation of child care facilities by private and business/industrial concerns, at 8% annual interest rate, up to 900 million Won (US 642,857,150) per loan and payable within 5 to 10 years.

184. For children of those families eligible for Livelihood Protection Assistance and women-run families, the entire cost of their care at any facilitiy is government subsidized. For those with 1.1 million Won (US 785) or less monthly income, 50% of the costs are subsidized.

In addition, financial assistance is provided to 3,997 facilities under the sponsorship of national, public or non-profit non-governmental bodies, each facility receiving 43 million Won (US 30,714) per year on average.

185. As a means to accelerate the process of child care service expansion, the Government has taken steps to make explicit in all pertinent laws the requirement for establishing child care facilities by concerned bodies, and endeavors to enlist greater participation by the non-governmental sector through tax exemption or deduction. In December 1991, for instance, the Tax Deduction Act and the Income Tax Act Implementation Decree were amended to expand the scope of tax exemption for child care service activities, and in May 1992, the Building Construction Act Implementation Decree was amended to ease regulations relating to the establishment of child care facilities. Since September 1995, when the Child Care Act Implementation Decree was amended, business/industrial establishments employing 300 or more women are required to establish child care facilities where women work and to bear 50% of childcare costs. Moreover, under the provisions of the Child Care Act, as amended in December 1997, all pre-school children are entitled to cost-free care and education for one year prior to entering primary school.

186. Article 72, Clause 2 of the Labour Standards Act prohibits employers from requesting overtime work of pregnant women and requires transferring them to less strenuous job functions, should they request it, thus protecting the health and well-being of pregnant employees and their infants to be born. Further details have been provided under Article 2 (b).

## ARTICLE 12

187. There are two major programmes for women in the healthcare field: the Mother-Child Health Service (MCH) and family planning. The former encompasses services to pregnant women and women in child-birth, as mandated by the Mother-Child Health Act; protective provisions for the maternity of working women under the Medical Insurance and Labour Standards Acts; prohibition of unauthorized abortion; and special protection of pregnant women in prison. Also, pursuant to the People's Health Promotion Act of May 1995, substantive governmental efforts in the health field will be aimed at the preventive and educational, indirectly contributing to women's health. Through these measures, recent health indicators show significant progress in women's health.

## Women's Average Life Expectancy

188. Average life expectancy among Koreans stood at 73.5 years in 1995 and continues to increase. In the same year, female life expectancy at birth was 77.4 on average and 7.8 years longer than men's 69.6 years. The number of women aged 65 years or more was 4.9% of the total population in 1980, but increased to 7.2% in 1995. This figure is expected to reach 8.4% by the year 2000.

## Death Rate for Mother and Infant

189. The maternity death rate was 4.2 (out of 10,000) in 1980, 3.4 in 1985, and 3.0 in 1992. The infant mortality rate was 36.8 (out of 1000) in 1980, 13.3 in 1985, and 9.9 in 1993.

## Birth Rate

190. Because the extensive family planning programme was carried out under government sponsorship, the population growth rate decreased from 2.17% in 1970 to 1.01% in 1995, and the average number of births per woman went from 4.3 in 1974 to 1.71 in 1996. In view of this change, since June 1996, the government's population policy shifted from population control to the improvement of its quality and the promotion of family welfare. The Government has undertaken campaigns and educational activities directed at preventing abortion, which not only constitutes a threat to women's health, but has also led to a marked imbalance in the sex ratio of the population.

## Family Planning

191. Successful family planning in Korea has shortened women's life-span for child bearing and rearing, and had a measurable impact in terms of their health and social participation. Despite the high contraception practice, the rate of abortion is reportedly as high as 49% of child-bearing aged women between 15 and 44 years. This was largely due to inappropriate use of contraceptive devices, which, in turn, is attributable to inadequate education and guidance.

192. The proportion of married women who had abortions was 16% of all married women in 1968, 53% in 1985, and 49% in 1993. In 1968, urban women had twice as many abortions as rural women, but this regional difference closed to almost an identical number in 1993.

193. The Korean Penal Code, in Chapter 27, Articles 269 and 270, stipulates penalties against abortion and thus legally protects the life of the fetus. Specifically, it imposes up to a year of imprisonment or up to 1,000,000 Won in fines on women who have abortions through the use of drugs and other means, or those who assist in the process of abortion. For medical doctors and related personnel who perform abortion(s) with or without the concurrence of pregnant women, the penalties are stiffer, i.e. up as much as two to three years imprisonment. Exceptional cases of pregnant women who undergo abortions under Article 14 of the Mother-Child Health Act include those whose health may be seriously jeopardize as a result; one of the prospective parents suffer from genetic or hereditary mental disorder, physical defect and/or infectious disease; pregnancy was brought about by rape and other criminal acts; or the prospective natural parents are legally forbidden to marry each other. During the 1995 amendment of the Criminal Code, arguments were raised by certain sectors of Korean society to abolish abortion but did not receive widespread support. The argument in favour of the right of the unborn child to life was far more acceptable to the Korean public as a whole. Penalties under Chapter 27, Articles 269 and 270 of the Criminal Code therefore remain in place.

194. The Government, local autonomous bodies and relevant non-governmental organizations, such as the Korea Planned Parenthood Federation, have been active in providing sex education classes for employees of business/industrial establishments or factories, etc. with a view to helping them avoid unwanted pregnancies.

Imbalance in Sex Ratio

195. Although Korean families are having fewer children than before, the traditional "male preference" value has strengthened, if anything, to create a serious imbalance in the sex composition of the country's population. With 1970 as the starting point, that year's male sex ratio was 109.5. It increased to 115.3 in 1994, to decrease slightly in 1995 to 113.4. The male sex ratio projected for 2010 is 123.4. This imbalance is expected to become a serious social issue once today's children reach marriable ages.

196. The medical technology that enables sex differentiation at early stages of pregnancy as well as the culturally dominant male preference value, have been strong contributory factors to abortion and led to a serious sex ratio imbalance in Korea. A total of 47 billion Won (US 33,571,500) is estimated for abortion-related expenses each year.

To address this situation, the Government put into force regulations prohibiting sex tests and penalizing any medical and health personnel in violation of these regulations by revoking their licences. It also established a "Sex Culture Research Center" within the Korean Planned Parenthood Federation infrastructure, and set up multi-functional counselling centers in affiliation with nation-wide public health clinics, to carry out pertinent research over a sustained period of time and to provide education and guidance aimed at lessening traditional gender prejudice among Koreans.

## The Mother-Child Health (MCH) Programmes

197. Extensive efforts aimed at protecting and promoting the health of pregnant and lactating mothers and their infants have been carried out under the mandate of the 1986 Mother-Child Health Act. Under this law, MCH agencies were established at the national and local levels and charged with the task of overseeing the health conditions of the target group on a regular basis and carrying out immunization. As a result, Korea's infant mortality rate has steadily declined and is anticipated to drop further. Major features of the MCH programme since 1986 have included: mother-child basic health diagnosis; standard immunization of infants; hereditary metabolism malfunction tests of newborn babies; special health supervision of rural mothers and infants; promotion of institutional-based deliveries.

## Measures for AIDS Patients

198. As of December 1997, Korea had 96 AIDS patients and 747 HIV Positive persons. Of those, 94 were women, of which 18 have died. (Table 31)

(Table 31) Status of AIDS Contamination, by Year.

(Unit: Persons)

| | Total | '85-'92 | 1993 | 1994 | 1995 | 1996 | 1997 | Decreased |
|---|---|---|---|---|---|---|---|---|
| Total infected | 747 | 245 | 78 | 90 | 108 | 102 | 124 | M: 653(127) |
| (Women) | (94) | (27) | (7) | (12) | (19) | (12) | (17) | F: 94(18) |
| AIDS patients among infected | 96 | 10 | 6 | 11 | 14 | 27 | 33 | |

Source: Korea AIDS League Reports, 1992~1997.

199. As part of its efforts to prevent the spread of AIDS and to effectively manage and treat AIDS patients, the Government enacted the "Acquired Immunity Deficiency Syndrome Prevention Act" in November 1987.

At the same time, it has instituted a compulsory registration system for all those suseptible to venereal disease infection, including those involved in prostitution. HIV tests are being carried out on a regular basis.

Protection and Management of Female Drug-Addicts

200. In terms of medical development, 22 new medical facilities, along with the necessary personnel, have been established for identifying and treating drug addicts, and by November 1997, the construction of a comprehensive treatment center with 200 beds was due to be completed for the treatment and rehabilitation of drug addicts. These measures will benefit women, as well as men, suffering from drug addiction.

201. The legislation and enforcement of the People's Health Promotion Act in 1995 was, in part, a response to the serious implications of drug abuse by women. Aimed at strengthening measures to prevent illness, improve dietary practices and other health promotional activities, public information and education at schools, social education establishments, places of employment and all governmental health institutions constitute the major components of such activities, and the issues of drug abuse, AIDS, venereal disease, contraception, fetus sex test, etc. are being addressed in the context of those activities.

## ARTICLE 13

The People's Pension

202. First introduced in 1986 and amended in 1989, the People's Pension covers such vulnerabilities as old age, illness and death primarily based on the prospective pensioners' contributions. During the initial stages of its implementation, the scheme was applicable to business/industrial concerns with 10 or more regular employees but, in 1992, was extended to concerns with five or more regular employees. Coverage was further extended to agro-business and fisheries sectors and self-employed persons in those sectors and, from 1998, 8.9 million self-employed persons will be brought under the scheme as well.

203. Prospective participants in the Pension scheme are Korean citizens between 18 and 60 years of age who reside in the country. As of 1996, there were over 1.9 million female participants constituting 25.7% of the total 7.43 million. While the number of female participants has been on the increase, ratio-wise, they still represent a small minority. (Table 32)

(Table 32) Status of People's Pension Participants

(Unit: Persons, %)

| | 1994 | 1995 | 1996 |
|---|---|---|---|
| F | 1,499,074 (27.5) | 1,891,688 (26.1) | 1,911,211 (25.7) |
| M | 3,945,744 (72.5) | 5,365,706 (73.9) | 5,514,489 (74.3) |
| Total | 5,444,818(100.0) | 7,257,394(100.0) | 7,425,700(100.0) |

Source: The People's Pension Management Corporation, People's Pension Statistics Annual, 1997.

204. Pension benefits comprise four categories: old age pension, disability pension, disability lump sum grant, and survivor pension. As of 1997, there were 459,715 women beneficiaries constituting 46.5% of total 987,888 beneficiaries. The proportion of female beneficiaries has been on the rise of late.

## Medical Insurance

205. Since July 1989, all Korean citizens other than those protected by the non-contributory Medical Assistance programme were brought under the medical insurance scheme. The scheme is divided into three categories: the Employee Medical Insurance that covers the employees of the organized business/industrial sector; the Public Employee and Private School Employees' Medical Insurance that covers the national and local government employees and staff members of private educational institutions; and the Area Medical Insurance for residents of both urban and rural areas not covered by the first two. In 1996, over 22.3 million women were beneficiaries of the scheme and there has been no significant gender discrepancy in the benefit provisions of the scheme, whether structurally or practically. (Table 33)

Table 33) Medical Insurance Beneficiaries, by Insurance Type and Gender

(Unit: Persons)

| | | Total | Employee Med Insurance | Public Emp'yee/ Priv Schl Med Ins | Area Med Insurance |
|---|---|---|---|---|---|
| 1994 | F | 21,642,669 | 8,195,775 | 2,432,362 | 11,014,532 |
| | M | 21,615,394 | 8,220,036 | 2,351,949 | 11,043,409 |
| 1995 | F | 21,991,409 | 8,319,331 | 2,448,778 | 11,223,300 |
| | M | 22,024,491 | 8,424,733 | 2,366,368 | 11,223,390 |
| 1996 | F | 22,312,139 | 8,454,897 | 2,489,656 | 11,367,586 |
| | M | 22,291,177 | 8,579,861 | 2,391,326 | 11,319,940 |

Source: Medical Insurance Federation, Medical Insurance Statistics Annual, 1996.

## Livelihood Protection Programme (Public Assistance)

206. The Government enacted the Livelihood Protection Act in 1982 to maintain the minimum standard of living for the low-income population. The beneficiaries of this measure numbered 1.159 million in 1996, of which 285 thousand were beneficiaries "at home," 798 thousand were employable beneficiaries, and 76 thousand residential beneficiaries. The Livelihood Protection measure covers daily subsistence, medical expenses in the event of illness or accident, and education grants for children up to the secondary level.

207. In 1996, over 117 thousand of the total 179.5 thousand household heads protected "at home" under the Livelihood Protection programme, or approximately 65.3%, were women, indicating that the number of female-headed households among the programme beneficiaries was about double the number of male household heads. Of the employable beneficiaries numbering slightly more than 285 thousand, 136 thousand or 47.7%, were women. These figures indicate that the livelihood burden among low-income households tends to be heavier for women than for men. An important factor contributing to the feminization of poverty in Korea has been the increase in the proportion of the aged female population.

## Medical Protection (Assistance)

208. Medical protection is a form of public assistance to individuals and families unable to meet medical costs independently. Beneficiaries of Category I include: recipients of Livelihood Protection Assistance, either at home or in residential settings; victims of natural and other disasters; citizens of special merit by virtue of their contribution to national interest or to cultural development; wounded military or police veterans and their families; political refugees from North Korea; and carriers of AIDS and other sexually transmitted diseases. Beneficiaries of Category II are essentially self-sufficient but have difficulty in meeting costly medical bills.

209. In 1996, 731 thousand or 56.7% of all persons benefitting from the Medical Protection programme were women. The number of women beneficiaries under this programme has been increasing every year due largely to the increase in the number of older women whose medical needs are greater than those of younger people.

## Mother-Child Welfare Programme

210. The Korean government provides financial assistance to female-headed households under the mandate of the Mother and Child Household Welfare Act, Livelihood Protection Act, and the Law of Special Treatment of Contributors to National Interest. Female-run households receiving protection based on these laws numbered 43,768 in 1997, covering a total of 124,691 persons. As of 1996, the specifics of the benefits to female-headed households were as follows.

- For female-run households of four and with a monthly income of less than 1972 thousand Won (US 1,408), children's education grant up to high school and support costs of children of six years in age or younger.
- Low-rent apartments to female-headed households without housing. (on permanent basis)
- Long term and low-interest loans to small business of up to 10 million Won (US 7,142 each.
- Shelter for homeless female-headed families for up to three years of stay, extendable for additional two years. While residing in the shelter residency, the families receive living expenses, education grants, job training costs, etc. In 1997, there were 1056 families at 39 separate shelters. When these families leave the shelters, if necessary, they register as low income female-headed households and become eligible for the benefits available to that category of families described above.

## Bank Loans

211. Bank loans are generally available to those with financial credibility and sufficient collateral. Therefore gender-related guidelines and regulations governing loan transactions do not exist in Korea. In reality, however, since the level of women's economic participation and ownership of assets is considerably lower than that of men, the former is disadvantaged in their access to loans and credits. Specific figures are unavailable because there is no gender breakdown in the country's financial data.

212. With adequate collateral, however, it is not necessary for women to obtain their spouses' written permission or signature on documents of transaction. In applying for credit cards, both women and men are required to present proof of income tax and property tax payments or of good credit rating in past financial dealings.

## Sports and Cultural Life

213. Women are not subject to any discrimination in all aspects of cultural life including sports. As a reflection of this, there has been no significant gender gap in the utilization of theaters and exhibition halls. In a survey of women's leisure activities, 45.4% reported sleep and miscellaneous household work, and 24.4% television viewing, which were higher than the proportions of men who did so. On the other hand, a greater proportion of men than women spent their leisure time in arts and crafts, competitive games and sports.

214. With reference to information media accessing, in the case of newspapers, 39.1% of women readers paid particular attention to the "social (social issues, people, etc)" page and 26.3% to the cultural, while 42.0% of men readers took primary interest in the political page and 17.7% to the sports page. In terms of TV programming, women tended to prefer serial dramas (54.5%) and recreation (11.2%) while men favoured news (52.7%) and sports (19.1%). As to the extent of computer utilization, both men and women use the device for business purposes, electronic games and recreation, and information management, in that order.

# ARTICLE 14

## Rural Female Population

215. Korea's sustained pursuit of industrialization policies since the 1960s has brought about rapid decrease in the rural population.

Between 1970 and 1996, it changed from over 14 million to considerably less than 5 million, that is, to a mere 27.8% of the base year. With respect to the rural female population, it also decreased from the 1970's from well over 9 million to somewhat less than 2.5 million in 1995. The latter figure nevertheless represents 51.8% of the total rural population that year. The proportion of both senior citizens aged 60 years or more was 28.6% of the total in 1996, showing both the aging of rural population and the trend of feminization in the rural community.

## Agricultural Production by Women

216. The decrease in the rural population, attributable mostly to the out-migration of young men and male adults to urban centers, agriculture became increasingly feminized and women's contribution to agricultural production increased. Specifically, the proportion of female agricultural workers rose from 43.4% in 1985 to 47.4% in 1996 and the scope of their work from 47.3% in 1990 to 47.7% in 1996.

## Expansion of Health Services

217. The Medical Insurance scheme was extended to rural areas in 1988, providing a formal basis for raising the health and medical care service standards for rural people. This began in 1980 when the Special Act for the Health and Medical Services for Agricultural and Fishing Communities were adopted and health and medical facilities were established in the communities concerned. As of 1995, there were 2,665 medical facilities of various categories and 13,737 medical personnel in place. Since 1986, rural women have had access to government sponsored diagnostic services, especially with reference to "women's diseases", and "farmer's syndrome." By 1996, 54,364 women had received such diagnostic services.

## Establishment and/or Expansion of Child Care Facilities

218. A total of 1,048 child care facilities were established in 1996 caring for 52,604 infants and pre-school children. Having designated rural areas as child-care service paucity areas, efforts to both expand the number of facilities and to improve their service and quality will continue in the years ahead. A new initiative in this regard has been the provision, since 1995, of operating costs of vehicles for transporting children to and from child-care centers.

## Expansion of Welfare Facilities for Senior Citizens

219. The number of "Older People's Pavilions", a typical leisure-time gathering place for the elderly in most rural communities and selected urban districts, increased from 1992's 14,347 to 17,875 in 1995 as the rural aged population increased from 593 thousand to 729 thousand during the same period.

## Education of Rural Women

220. With the increased participation of women in agriculture and related production activities, their needs for agricultural skills have also increased and led to greater participation in pertinent training. In terms of agro-management design training, there were 112 thousand in 1996 and 116 thousand women participated in 1997.

221. Nevertheless, the ratio of women skilled in the use of agricultural machinery and related instruments is still very low, hence, their burden of physical labour remains heavy. To address this issue, Agricultural Guidance Centers (AGC) across the country are engaged in training women for the use and maintenance of such machineries and in accident prevention. The AGC trained 5,391 women in 1996, and 5,247 women in 1997, respectively.

222. The provincial Rural Area Development Institutes are open to all rural women and provide skill trainings in food processing, storage, improvement of housing and work environment, management of household accounts, traditional culture transfers, income supplement technologies, computer utilization, and consciousness raising. Participants in these training activities numbered 107,000 in 1992, 192,975 in 1996 and 235,000 in 1997. Through the Rural Women Leadership Program, 1,168 were trained in 1996 and 3,282 in 1997.

## Development of Women Farmers

223. With the 1994 amendment of the Agricultural Cooperatives Act, women's participation in the cooperatives became active. In 1993, 160,479 women participated, representing 8.2% of the 1,956,159 participants. In 1996, that number increased to 239,368 accounting for 11.9% of the 2,010,315 participants. In some cooperative units, women were elected as directors and auditors of the boards.

224. After introducing a system to credit women with extra points in the process of selecting "Agricultural Successors" in 1994, the female portion among the Successors increased to 8.6% in 1996 from 1992's 2.4%. In 1997, there were 823 women designated as such, accounting for 9.7% of the total of 8,526.

## Rural Women's Organizations

225. As of 1995, there were 23,704 Associations embracing 957 thousand members. Major features of the Association activities include family health improvement, creation of "wholesome" families, environment protection, rationalization of life patterns and habits, raising household income, and collective projects beneficial to their communities.

226. The Life Improvement Associations aimed at improving the status of rural women and nurturing women Agricultural Successors provide a variety of learning opportunities that will strengthen women's abilities for participation in the affairs of their communities and rural society at large. Members of the Associations select their own issues to be addressed and take concrete steps to address them, e. g. undertaking supplementary income raising projects, protection and improvement of life environment, and development of direct marketing routes. Showing a brisk pace of increase every year, in 1997, there were altogether 172 Associations embracing 59,939 members.

227. Non-governmental organizations are also actively involved in promoting the status and rights of women in agriculture. Among more typical organizations are the Federation of Korean Women in Agriculture, Gathering of Housewives Thinking of Home Villages, and All Korea Federation of Women Farmers' Associations. The Korean Women Farmer Research Center is dedicated to developing professional women farmers and promoting the welfare of rural villages.

## Income Generating Activities by Rural Women

228. The Farming and Fishery People's Pension System significantly contributes to the security and livelihood of rural people, particularly that of older women who tend to live longer than men.

229. Since 1990, the Rural Women for Job programme has been in effect. Designed to assist women in villages in raising non-farming income through the utilization of agricultural products of their communities and other resource conditions of their area, women mostly opt for processing agricultural products.

In terms of government-funded projects, 139 million Won (US 99,285) was disbursed to nine projects in 1995 (15.4 million Won per project) and 180 million Won (US 128,571) to nine projects in 1996 (20 million Won per project), and 200million Won to ten projects in 1997. Government support helped establish communal workshops, the acquisition of production equipment, produce wrapping paper and develop packaging design.

Improvement of Life and Farming Environment of Rural Women

230. The programme to improve living conditions of rural women and reduce their household workload was initiated in 1983 and in 1995, a total of 133.7 billion Won was loaned out to 126 thousand households. In 1996, the amount of loan was 42 billion Won to 15 thousand households and 43.8 billion Won to 12.5 thousand households. In one of the outcomes of this programme, hours spent on household work by rural women decreased by 20-40%, freeing some of their time for leisure and self-development activities.

231. Between 1995 and 1997, 542 health supervision centers, 567 mid-work rest areas, 781 communal rest houses for rural people were established across the country. Also, 168 thousand agricultural machines were distributed. Since 1996, various work-out and other facilities, such as excercise rooms, rest areas, saunas, and cultural spaces were established. The government sponsored these facilities and as a result, 80 facilities in 1996 and 82 in 1997 were funded.

## ARTICLE 15

232. Article 11 of the Korean Constitution stipulates that "All citizens are equal before the law and no one shall be subjected to discriminatory treatment based on one's gender. . . "

233. To realize the foregoing ideology of gender equality in a practical life situation, the Women's Development Act was enacted in December 1995.

234. Further, Article 14 of the Constitution stipulates that "All citizens shall have the freedom of domicile and mobility". All Koreans, regardless of their gender, are therefore free to live where they choose and to relocate without interference from state authorities.

# ARTICLE 16

235. As Article 36, Clause 1 of the Constitution notes, "Marriage and family life must be based on the dignity of the individuals concerned on and gender equality between the marital partners, to be sustained on the same basis, and the State must ensure that they be so." For its part, Article 24 of the Basic Law for the Advancement of Women, stipulates that "the State and the Local Autonomous Bodies must endeavor to firmly establish democratic and equitable family relationships". These are definitive legal instruments upon which Korean society can move toward the realization of gender equal family relationships and gender equal culture.

## Marriage

236. In accordance with provisions under the Civil Code, Article 815, a marriage not consented to by any one of the parties directly concerned is null and void even if the marriage was officially registered.

## Rights of Marital Partners

237. During marriage, marital partners will live together, support each other and cooperate with one another. They will determine the place of residence by mutual agreement and hold representation rights for each other in household affairs. Expenses for their joint life are bearable by any of the parties and may be shared if without specific agreements.

## Parental Rights to Children

238. During marriage, the spouses will jointly exercise their guardianship rights vis-a-vis their offspring(s). If and when differences arise concerning the manner in which they are to be raised, the Family Court may intervene. Further, if and when off-spring born outside of wedlock is (are) recognized, or when the marriage is dissolved, the parties concerned will decide who is to excercise guardianship for the off-spring through mutual agreement. If and when agreement cannot be reached, the Family Court may intervene.

239. The guardian has the right and duty to protect off-spring and is entitled to act as the latter's representative in court proceeding in order to protect independent asset(s) of the same.

A parent, with the guardianship right to his/her off-spring may designate a guardian in his/her will to care for the minors after his/her death. A divorced couple may decide on matters relating to the up-bringing of their child(ren) through consultation. If and when that is not possible, the Family Court may intervene.

Adoption

240. The Adoption of minors (15 years or less) must be with the consent of their legal representative. When a minor's trustee wishes to adopt his/her ward, he/she must obtain the approval of the Family Court. Should either marital partner wish to adopt a child, he/she must do it jointly with the other party, and if and when either of the marital partners is to be adopted, he/she must have the consent of the other party.

Childbirth

241. The Mother and Child Welfare Act is intended to promote mother's health and childbirth as well as childcare. Article 7 stipulates the establishment of Mother and Child Welfare organization to implement Mother and Child Welfare Programe and Family Planning Program. Article 14 stipulates the scope of abortion rights.

Surname

242. This is a matter regarding which Korea is still in reserved status. Until now, there has been no law or formal regulation governing this matter. By tradition, Korean couples retain their respective pre-marital family names according to the customary "surname unchangeability" principle. As far as the surname for off-spring is concerned, Article 781 of the Civil Code recognizes the paternal surname: the maternal surname is to be used only when the former is either unknown or unavailable. In the event neither parental surname is known, the off-spring concerned may adopt its own surname, but must revert to either parental surname should it become known subsequently. Also, in the case of children born out of wedlock, the off-spring may assume the paternal surname if it is known even though the off-spring has not been entered into the paternal family registry. Essentially, as far as family names are concerned, Korea adheres to the two customary principles of "surname unchangeability" and "identical surname for father and son."

243. The above principles have supported the male blood-line succession system for the past millennia and created an all pervasive male preference culture in Korean society, which, to date, remains the most serious obstacle to the attainment of full gender equality.

244. In an effort to address this fundamental institutional and structural bias, the Korean Federation of Women's Organizations published in March 1997, on Women's Day, a One Hundred Persons' Declaration, calling for the alternate use of maternal surnames. Public reaction to this effort was mixed. Generally, however, problems that might arise as people attempt to combine two parental surnames, ie: the creation of extended, unrecognizable names, siblings of the same parents with different surnames, was clearly recognized. Hence, this initiative did not appear to raise any serious public attention.

### Choice of Occupation

245. Article 15 of the Constitution guarantees all Korean citizens the freedom to choose their own occupation and/or careers, to undertake activities in fields of their own choosing, and to leave an occupation at their discretion.

### Property Rights of Marital Spouses and the Value of Domestic Work

246. Article 830 of the Civil Code recognizes separate ownership of properties by marital spouses. For example, property owned by either of the spouses prior to marriage may remain under the same ownership without any part required to be transferred to the other spouse. Also, property acquired by either of the spouses under his or her ownership title also may remain under that title even though the acquisition occurred during their marriage, and entirely at the disposal of the title holder. That part of the property for which there is no clearly established ownership may be deemed the spouses' common property.

247. In an effort to have the value of women's unpaid housework recognized as part of family property acquired during marriage, women's NGOs formed, in 1993, the "Women's Organizations for Gender Equal Tax System" and called for tax exemptions for property inherited or received in gift by women from their spouses. They pushed for the abolishment of all taxes for property inherited from their spouses; the raising of the upper ceiling of tax exemptible portion of property acquired during marriage in view of the wive's contribution to that property; and tax exemptions on property divided between divorcing marital partners.

### Marriage of Minors

248. Youths under the age of 18 require parental consent for marriage. In cases where the parents are divorced, the divorced mother, as well as the divorced father, have the right to consent.

If and when parents are unable to make their position known, the minor must obtain the consent of his/her legal guardian or trustee. In the absence or unavailability of a guardian or a trustee, the minor must have the consent of the Kinship Council. These legal provisions are aimed at protecting youths from untoward marriages. Marriage registration unaccompanied by one or another of the above categories of guardian consent will not be accepted.

## Marriable Age

249. Under the Civil Code, the minimum marriable age for males is 18 while that for females is 16 years of age. This regulation is intended to prevent the kind of socio-economic and physical risks often associated with the early stages of marriage. Any marriage between partners of unmarriable ages can be annulled by either of the partners themselves or their lawful representatives.

## Marriage Registration

250. A marriage becomes valid through registeration, as stipulated by the Family Registration Act. An unregistered marriage is not legally recognized even if the concerned parties have been together for ten or more years. Registration must be with the proper authorities and carry the signatures of two or more witnesses. The marriage becomes official when the appropriate authority accepts the registration document.

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